

3-30-2015

State v. Pelland Clerk's Record Dckt. 42554

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

VERNON CRAIG PELLAND,

Defendant-Appellant.

Supreme Court Case No. 42554

42936

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE THOMAS F. NEVILLE

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

In the Supreme Court of the State of Idaho

STATE OF IDAHO,

Plaintiff-Respondent,

v.

VERNON CRAIG PELLAND,

Defendant-Appellant.

ORDER CONSOLIDATING APPEALS

Supreme Court Docket No. 42554-2014
Ada County No. 2013-7623

Supreme Court Docket No. 42936-2015
Ada County No. 2013-7623

It appearing that these appeals should be consolidated for all purposes for reasons of judicial economy; therefore,

IT HEREBY IS ORDERED that appeal No. 42554 and 42936 shall be CONSOLIDATED FOR ALL PURPOSES under No. 42554, and all documents filed shall bear both docket numbers.

IT FURTHER IS ORDERED that the District Court Clerk shall prepare a CLERK'S RECORD, which shall include the documents requested in the Notices of Appeal, together with a copy of this Order.

IT FURTHER IS ORDERED that the District Court Reporter shall prepare a REPORTER'S TRANSCRIPT, which shall include the transcripts requested in the Notices of Appeal.

IT FURTHER IS ORDERED that the due date for the filing of CLERK'S RECORD and REPORTER'S TRANSCRIPT in these consolidated appeals shall remain as previously set for April 27, 2015.

DATED this 5th day of March, 2015.

For the Supreme Court


Stephen W. Kenyon, Clerk

cc: Counsel of Record
District Court Clerk
District Court Reporter

State of Idaho vs. Vernon Craig Pelland

Date	Code	User		Judge
6/10/2013	NCRF	PRSCHOKF	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRSCHOKF	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	CRCO	TCMCCOSL	Criminal Complaint	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 06/10/2013 01:30 PM)	John Hawley Jr.
	ARRN	TCFINNDE	Hearing result for Video Arraignment scheduled on 06/10/2013 01:30 PM: Arraignment / First Appearance	John Hawley Jr.
	CHGA	TCFINNDE	Judge Change: Administrative	Kevin Swain
	ORPD	TCFINNDE	Order Appointing Public Defender Ada County Public Defender [on the record in open court]	Kevin Swain
	HRSC	TCFINNDE	Hearing Scheduled (Preliminary 06/24/2013 08:30 AM)	Kevin Swain
	BSET	TCFINNDE	BOND SET: at 20000.00 - (I18-2407(1) Theft-Grand)	Kevin Swain
	ORPD	MADEFRJM	Order Appointing Public Defender [file stamped 6/11/13]	Kevin Swain
6/13/2013	MFBR	TCTONGES	Motion For Bond Reduction	Kevin Swain
	NOHG	TCTONGES	Notice Of Hearing	Kevin Swain
	RQDD	TCTONGES	Defendant's Request for Discovery	Kevin Swain
6/17/2013	PHRD	TCTONGES	Preliminary Hearing Response to Request for Discovery and Objections	Kevin Swain
	RQDS	TCTONGES	State/City Request for Discovery	Kevin Swain
6/24/2013	CHGA	CCMANLHR	Judge Change: Administrative	Kevin Swain
	CONT	CCMANLHR	Continued (Preliminary 07/02/2013 08:30 AM)	Kevin Swain
	NOTH	CCMANLHR	Notice Of Hearing	Kevin Swain
	AMCO	CCMANLHR	Amended Complaint Filed	Kevin Swain
6/27/2013	CHGA	CCMANLHR	Judge Change: Administrative	Cawthon / Irby
6/28/2013	PHRD	TCCHRIKE	Second Preliminary Hearing Response to Request for Discovery and Objections / Second	Cawthon / Irby
7/2/2013	HRHD	CCMANLHR	Hearing result for Preliminary scheduled on 07/02/2013 08:30 AM: Hearing Held	Cathleen Macgregor-Irby
	BOUN	CCMANLHR	Hearing result for Preliminary scheduled on 07/02/2013 08:30 AM: Bound Over (after Prelim)	Cathleen Macgregor-Irby
	CHGB	CCMANLHR	Change Assigned Judge: Bind Over	Cathleen Macgregor-Irby
	HRSC	CCMANLHR	Hearing Scheduled (Arraignment 07/08/2013 09:00 AM)	Cathleen Macgregor-Irby
	MFBR	CCMANLHR	Motion For Bond Reduction Granted	Cathleen Macgregor-Irby
	BSET	CCMANLHR	BOND SET: at 7500.00 - (I18-2407(1) Theft-Grand)	Cathleen Macgregor-Irby

000003

State of Idaho vs. Vernon Craig Pelland

Date	Code	User		Judge
7/2/2013	COMT	CCMANLHR	Commitment	Cathleen Macgregor-Irby
	MMRC	CCJOHNLE	Memo for the Record	Thomas F. Neville
7/5/2013	INFO	TCCHRIKE	Information	Thomas F. Neville
	MFBR	TCCHRIKE	Motion For Bond Reduction	Thomas F. Neville
	NOHG	TCCHRIKE	Notice Of Hearing(07/08/13 @9AM)	Thomas F. Neville
	PROS	PRHEBELE	Prosecutor assigned R. Scott Bandy	Thomas F. Neville
7/8/2013	DCAR	DCELLISJ	Hearing result for Arraignment scheduled on 07/08/2013 09:00 AM: District Court Arraignment- Court Reporter: SUE WOLF Number of Pages: LESS THAN 100 pages	Thomas F. Neville
	HRSC	DCELLISJ	Hearing Scheduled (Jury Trial 11/12/2013 09:00 AM)	Thomas F. Neville
	HRSC	DCELLISJ	Hearing Scheduled (Pretrial Conference 11/04/2013 03:00 PM)	Thomas F. Neville
	PLEA	DCELLISJ	A Plea is entered for charge: - NG (I18-2407(1) Theft-Grand)	Thomas F. Neville
	PLEA	DCELLISJ	A Plea is entered for charge: - NG (I18-2403(1) {M} Theft-Petit)	Thomas F. Neville
		DCELLISJ	Notice of Jury Trial Setting	Thomas F. Neville
7/10/2013	MOTN	TCCHRIKE	Motion for Preliminary Hearing Transcript	Thomas F. Neville
7/11/2013	BNDS	TCWADAMC	Bond Posted - Surety (Amount 7500.00)	Thomas F. Neville
7/16/2013	ORDR	DCELLISJ	Order Denying Bond Reduction	Thomas F. Neville
	ORDR	DCELLISJ	Order For Prelim hearing transcript	Thomas F. Neville
7/19/2013	TRAN	TCTONGES	Transcript Notice of Preparation	Thomas F. Neville
8/14/2013	RSDS	TCCHRIKE	State/City Response to Discovery	Thomas F. Neville
8/26/2013	TRAN	TCCHRIKE	Transcript Filed	Thomas F. Neville
8/29/2013	MOCN	TCCHRIKE	Motion To Continue Jury Trial	Thomas F. Neville
	NOHG	TCCHRIKE	Notice Of Hearing(09/09/13 @AM)	Thomas F. Neville
	HRSC	TCCHRIKE	Hearing Scheduled (Hearing Scheduled 09/09/2013 09:00 AM)	Thomas F. Neville
9/9/2013	CONT	DCELLISJ	Continued (Hearing Scheduled 09/30/2013 09:00 AM) appearance or bench warrant for f.t.a on Setember 9th, State's Motion to Cont. Trial	Thomas F. Neville
9/30/2013	DCHH	DCELLISJ	Hearing result for Hearing Scheduled scheduled on 09/30/2013 09:00 AM: District Court Hearing Held Court Reporter: SUE WOLF Number of Transcript Pages for this hearing estimated: appearance or bench warrant for f.t.a on Setember 9th, State's Motion to Cont. Trial LESS THAN 100 pages	Thomas F. Neville
	CONT	DCELLISJ	Continued (Jury Trial 02/04/2014 09:00 AM)	Thomas F. Neville

State of Idaho vs. Vernon Craig Pelland

Date	Code	User	Judge
9/30/2013	CONT	DCELLISJ	Continued (Pretrial Conference 01/27/2014 03:00 PM)
10/1/2013	ORDR	DCELLISJ	Order To Continue Jury Trial
		DCELLISJ	Notice of Jury Trial Re-Setting
1/27/2014	CONT	DCELLISJ	Continued (Pretrial Conference 05/27/2014 03:00 PM)
	CONT	DCELLISJ	Continued (Jury Trial 06/03/2014 09:00 AM)
1/28/2014		DCELLISJ	Notice of Jury Trial Setting
5/27/2014	DCHH	DCELLISJ	Hearing result for Pretrial Conference scheduled on 05/27/2014 03:00 PM: District Court Hearing Held Court Reporter: SUE WOLF Number of Transcript Pages for this hearing estimated: LESS THAN 100 pages
5/28/2014	MISC	DCELLISJ	State's Witness List
6/2/2014	HRSC	DCELLISJ	Hearing Scheduled (Pretrial Conference 06/02/2014 02:30 PM)
	HRHD	DCELLISJ	Hearing result for Pretrial Conference scheduled on 06/02/2014 02:30 PM: Hearing Held in Chambers with Court and counsel
6/3/2014	AINF	DCELLISJ	Amended Information
	JTST	DCELLISJ	Hearing result for Jury Trial scheduled on 06/03/2014 09:00 AM: Jury Trial Started REPORTER: SUE WOLF LESS THAN 300 pages
	HRSC	DCELLISJ	Hearing Scheduled (Jury Trial 06/04/2014 09:00 AM) Day two jury trial
6/4/2014	JUIN	DCELLISJ	Jury Instructions Filed
	DCHH	DCELLISJ	Hearing result for Jury Trial scheduled on 06/04/2014 09:00 AM: District Court Hearing Held Court Reporter: SUE WOLF Number of Transcript Pages for this hearing estimated: Day two jury trial LESS THAN 300 pages
	HRSC	DCELLISJ	Hearing Scheduled (Sentencing 08/04/2014 09:00 AM)
	PLEA	DCELLISJ	A Plea is entered for charge: - GT (I18-2407(1) Theft-Grand)
	PLEA	DCELLISJ	A Plea is entered for charge: - GT (I18-2403(1) {M} Theft-Petit)
	PSIO1	DCELLISJ	Pre-Sentence Investigation Evaluation Ordered
	VERD	DCELLISJ	(2) Verdict Forms FILED
8/4/2014	DSBC	DCELLISJ	Dismissed by the Court (I18-2403(1) {M} Theft-Petit)

State of Idaho vs. Vernon Craig Pelland

Date	Code	User	Judge
8/4/2014	FIGT	DCELLISJ	Finding of Guilty (I18-2403(4) {F} Theft by Receiving, Possessing or Disposing of Stolen Property, etc)
	JAIL	DCELLISJ	Sentenced to Jail or Detention (I18-2403(4) {F} Theft by Receiving, Possessing or Disposing of Stolen Property, etc) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 8 years. R/J rec. CRP rider
	STAT	DCELLISJ	STATUS CHANGED: closed pending clerk action
	SNPF	DCELLISJ	Sentenced To Pay Fine 1740.50 charge: I18-2403(4) {F} Theft by Receiving, Possessing or Disposing of Stolen Property, etc
	DCHH	DCELLISJ	Hearing result for Sentencing scheduled on 08/04/2014 09:00 AM: District Court Hearing Held Court Reporter: Sue Wolf Number of Transcript Pages for this hearing estimated: Less than 100 pages
8/6/2014	ORDS	DCMAXWKK	Order Of Dismissal
	RESO	DCMAXWKK	Restitution Ordered/Order
	JCOR	DCMAXWKK	Judgment of Conviction and Order Retaining Jurisdiction
	RJCAPP	DCMAXWKK	CRP at Correctional Alternative Placement Program (CAPP)
8/7/2014	RESR	PRSCHMAN	Restitution Recommended by the Prosecutor's office. 724.00 victim # 1
8/11/2014	BNDE	DCMAXWKK	Surety Bond Exonerated (Amount 7,500.00)
9/17/2014	APSC	CCTHIEBJ	Appealed To The Supreme Court
	NOTA	CCTHIEBJ	NOTICE OF APPEAL
	MOAF	CCTHIEBJ	Motion & Affidavit in Support for Appointment of Counsel
	MOAF	CCTHIEBJ	Motion & Affidavit for Permission to Proceed on Partial Payment of Court Fees
9/25/2014	ORDR	DCELLISJ	Order Granting appointment of SAPD
10/23/2014	NOTA	CCTHIEBJ	Amended NOTICE OF APPEAL
12/17/2014	HRSC	DCMAXWKK	Hearing Scheduled (Rider Review 01/26/2015 09:00 AM)
		DCMAXWKK	Order to Transport (Rider Review: 1-26-15 @ 9 AM)
1/26/2015	DCHH	DCELLISJ	Hearing result for Rider Review scheduled on 01/26/2015 09:00 AM: District Court Hearing Held Court Reporter: SUE WOLF Number of Transcript Pages for this hearing estimated: LESS THAN 100 pages

State of Idaho vs. Vernon Craig Pelland

Date	Code	User		Judge
1/26/2015	AMJD	DCELLISJ	Amended JudgmentSentence modified on 1/26/2015. (I18-2403(4) {F} Theft by Receiving, Possessing or Disposing of Stolen Property, etc) RELINQUISHED JURISDICTION	Thomas F. Neville
1/27/2015	ORDR	DCMAXWKK	Order Declining and Relinquishing Jurisdiction and Commitment	Thomas F. Neville
1/29/2015	APSC	TCOLSOMC	Appealed To The Supreme Court	Thomas F. Neville
	NOTA	TCOLSOMC	NOTICE OF APPEAL	Thomas F. Neville
2/10/2015	ORDR	DCELLISJ	Order Appointing SAPD on Direct Appeal	Thomas F. Neville
3/30/2015	NOTC	TCWEGEKE	(2) Notice of Transcript Lodged - Supreme Court No. 42554/42936	Thomas F. Neville

JUN 10 2013

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

DR # 13-001563

GREG H. BOWER
Ada County Prosecuting Attorney

Kari L Higbee
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
VERNON CRAIG PELLAND,)
)
Defendant.)
_____)

Case No. CR-FE-2013-0007623

COMPLAINT

Pelland's 


PERSONALLY APPEARED Before me this 10th day of June 2013, Kari L Higbee, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did commit the crime of GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), 2409 as follows:

SM

That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, obtain, and/or withhold money orders from the owner, MoneyGram, with the intent to appropriate to himself certain property of another.


All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Kari L Higbee
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 10 day of June 2013.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. FE 2013-2623

vs. Vernon Craig Pelland

CLERK H. Manley

PROSECUTOR K. Higbee

DATE 6, 10, 2013 TIME 1132

COMPLAINING WITNESS _____

CASE ID. Cawthon 06/013 BEG 113044

COURTROOM 204 END 113444

JUDGE

- | | |
|---|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input checked="" type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- | |
|--|
| <input checked="" type="checkbox"/> STATE SWORN |
| <input checked="" type="checkbox"/> PC FOUND |
| <input checked="" type="checkbox"/> COMPLAINT SIGNED |
| <input type="checkbox"/> AMENDED COMPLAINT SIGNED |
| <input type="checkbox"/> AFFIDAVIT SIGNED |
| <input type="checkbox"/> JUDICIAL NOTICE TAKEN |
| <input type="checkbox"/> NO PC FOUND |
| <input type="checkbox"/> EXONERATE BOND |
| <input type="checkbox"/> SUMMONS TO BE ISSUED |
| <input type="checkbox"/> WARRANT ISSUED |
| <input type="checkbox"/> BOND SET \$ _____ |
| <input type="checkbox"/> NO CONTACT |
| D.R. # _____ |
| <input type="checkbox"/> DISMISS CASE |
| <input checked="" type="checkbox"/> IN CUSTODY |

COMMENTS

- ☐ AGENT'S WARRANT
- ☐ RULE 5(B)
- ☐ FUGITIVE
- ☐ MOTION & ORDER TO CONSOLIDATE
- _____
- _____
- _____

ADA COUNTY MAGISTRATE MINUTES

Vernon Craig Pelland CR-FE-2013-0007623

Scheduled Event: Video Arraignment Monday, June 10, 2013 01:30 PM

Judge: John Hawley Jr.

Clerk: DF

Interpreter:

Prosecuting Agency: ☒ AC ☐ BC ☐ EA ☐ GC ☐ MC

Pros: D. Davidson

PD / Attorney: m. Herrett.

• 1 I18-2407(1) Theft-Grand F

30622 Case Called Defendant: ☒ Present ☐ Not Present ☒ In Custody

☒ Advised of Rights ☐ Waived Rights ☒ PD Appointed ☐ Waived Attorney

☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty

☒ Bond \$ 20,000 ☐ ROR ☐ Pay / Stay ☐ Payment Agreement

☐ In Chambers ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

Fit 6/24/13 @ 8:30
w/ Swain

Finish () Release Defendant

NO.

A.M.

FILED
P.M.

12:28

JUN 11 2013

CHRISTOPHER D. RICH, Clerk
By ANNA MORGAN
DEPUTYIN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISIONSTATE OF IDAHO,
Plaintiff.

vs.

Vernon Craig Pelland
3340 Carr
Garden City, ID 83714
Defendant.

Case No: CR-FE-2013-0007623

NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
AND SETTING CASE FOR HEARING☒ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Preliminary ... Monday, June 24, 2013 08:30 AM
Judge: Kevin Swain

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL. FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S ARREST.

I hereby certify that copies of this Notice were served as follows on this date Monday, June 10, 2013.

Defendant: Mailed _____ Hand Delivered _____ Signature Sarva D #824
Phone () _____
Clerk / date _____

Prosecutor: Interdepartmental Mail YPublic Defender: Interdepartmental Mail YAnna Morgan
Deputy Clerk

394
PM
6/24
8:30

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ FILED _____ P.M. _____

JUN 13 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.


VERNON CRAIG PELLAND,
Defendant.

Case No. CR-FE-2013-0007623

MOTION FOR BOND REDUCTION

COMES NOW, VERNON CRAIG PELLAND, the above-named defendant, by and through counsel HEIDI K KOONCE, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Thursday, June 13, 2013.



HEIDI K KOONCE
Attorney for Defendant

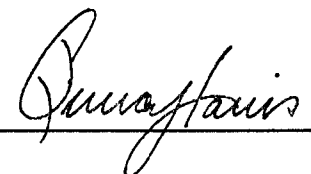
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, June 13, 2013, I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION



000013

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____
FILED _____

JUN 13 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

VERNON CRAIG PELLAND,
Defendant.

Case No. CR-FE-2013-0007623

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to FAFA ALIDJANI:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Monday, June 24, 2013, at the hour of 08:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Thursday, June 13, 2013.



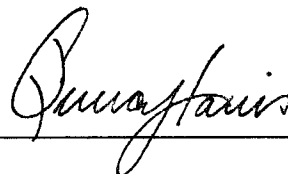
HEIDI K KOONCE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, June 13, 2013, I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000014

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____
FILED _____
JUN 13 2013
CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Thursday, June 13, 2013.



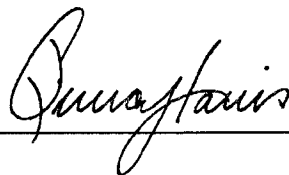
HEIDI K KOONCE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, June 13, 2013, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



394
PH
424
8:30

NO. _____ FILED _____
A.M. _____ P.M. _____

JUN 17 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
vs.)	
	)	PRELIMINARY HEARING
VERNON CRAIG PELLAND,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

5

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 1 through 26. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.

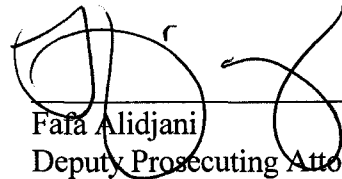
☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.

☒ Other

RESPECTFULLY SUBMITTED this 17th day of June 2013.

GREG H. BOWER

Ada County Prosecuting Attorney

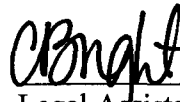

Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of June 2013, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Heidi Koonce, 200 W. Front Street, Room 1107, Boise, ID 83702

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____


Legal Assistant

JUN 17 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
)	
vs.	)	REQUEST FOR DISCOVERY
)	
VERNON CRAIG PELLAND,)	
)	
Defendant.)	
_____)	

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

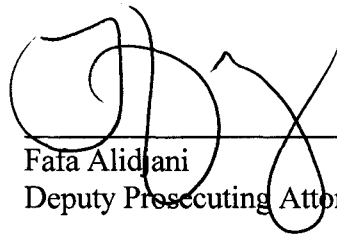
The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 17 day of June 2013.

GREG H. BOWER

Ada County Prosecuting Attorney



Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June 2013, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Heidi Koonce, 200 W. Front Street, Room 1107, Boise, ID 83702

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

CRonght

FILED 6/24/13 AT 925A M.
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY Amank
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Vernon Craig Pelland

Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number FE 2013-7623

Case Called Suzain 92237

☒ Ada ☐ Special F. Aligini

☒ PD Attorney H. Koonce

Defendant: ☒ Present ☐ Not Present ☒ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☐ Bond \$ 20,000 ☐ Motion for Bond Reduction Denied / Granted

☒ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☒ State / Defense / Mutual Request for Continuance Unavailable witness

☒ State / Defense / No Objection to Continuance

☒ Case continued to 7-2-13 at 8:30 am/pm for PH

☐ Defendant Waives Preliminary Hearing ☐ Hearing Held ☐ Commitment Signed

☐ Case Bound Over to Judge on at am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT ST., BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

DATED 6/24/13

CHRISTOPHER D. RICH, Clerk of the District Court

By: Amank
Deputy Clerk

I hereby certify that copies of this notice were served as follows:

Defendant ☒ Hand Delivered

Defense Attorney ☐ Hand Delivered

Public Defender ☐ Hand Delivered

Prosecutor ☒ Hand Delivered

Signature Vernon Pelland

Clerk h Date 6/24/13

DR # 13-001563


JUN 24 2013

CHRISTOPHER D. RICH, Clerk
By HEIDI MANLEY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
vs.)	
	)	AMENDED
VERNON CRAIG PELLAND,	)	COMPLAINT
)	
Defendant.	)	Pelland's 
_____)	

PERSONALLY APPEARED Before me this 24 day of June 2013, Fafa Alidjani, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did commit the crimes of I. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), 2409 and II. PETIT THEFT, MISDEMEANOR, I.C. §18-2403(1), 2407(2) as follows:

COUNT I

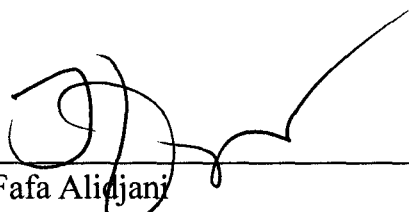
That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, obtain, and/or withhold money orders from the owner, MoneyGram, with the intent to appropriate to himself certain property of another.

COUNT II

That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take and/or obtain social security cards and/or identification cards, from multiple persons, with the intent to appropriate to himself certain property of another.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Fafa Aliqjani
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 24 day of June 2013.



Magistrate

400
PA
7/2
8/100

NO. _____ FILED _____
A.M. _____ P.M. _____

JUN 28 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
vs.)	
	)	SECOND PRELIMINARY
VERNON CRAIG PELLAND,	)	HEARING RESPONSE TO
	)	REQUEST FOR DISCOVERY AND
Defendant.	)	OBJECTIONS
_____)	

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

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1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 27 through 40. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These documents are specifically identified in subsection 4A above.

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☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☒ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

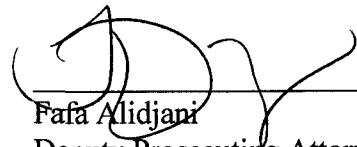
☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.

☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.

☒ Other

RESPECTFULLY SUBMITTED this 28 day of June 2013.

GREG H. BOWER
Ada County Prosecuting Attorney



Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 28 day of June 2013, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Heidi Koonce, 200 W. Front Street, Room 1107, Boise, ID 83702

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____


Legal Assistant

Time	Speaker	Note
<u>1:45:04 PM</u>	Defendant	Vernon Craig Pelland FE-2013-7623, Present in Custody
<u>1:45:11 PM</u>	State	Brett Judd, AC Prosecutor
<u>1:45:13 PM</u>	Defense	Steven Botimer AC Public Defender
<u>1:45:16 PM</u>	Judge	Judge Cathleen MacGregor-Irby
<u>1:47:23 PM</u>	State Witness #1	Officer Tim Riley, Sworn
<u>1:48:01 PM</u>	Steven Botimer AC Public Defender	stip to officers background and training
<u>1:48:16 PM</u>	Brett Judd, AC Prosecutor	Direct Examination of the Witness
<u>1:48:16 PM</u>	Officer Tim Riley	GCPD
<u>1:48:52 PM</u>	Officer Tim Riley	Flagged down by a bicyclist
<u>1:50:51 PM</u>	Steven Botimer AC Public Defender	Cross Examination of the Witness
<u>1:50:51 PM</u>	Officer Tim Riley	He said he was moving
<u>1:51:38 PM</u>	Officer Tim Riley	Nothing further, witness steps down
<u>1:51:52 PM</u>	States Witness #2	Det. John Brumbaugh, Sworn
<u>1:52:46 PM</u>	Brett Judd, AC Prosecutor	Direct Examination of the Witness
<u>1:52:46 PM</u>	Steven Botimer AC Public Defender	stip to officers background and training
<u>1:53:03 PM</u>	Det. John Brumbaugh	investigated some evidence
<u>1:54:21 PM</u>	Det. John Brumbaugh	He said the items were his
<u>1:55:08 PM</u>	Det. John Brumbaugh	Cross Examination of the Witness
<u>1:55:09 PM</u>	Det. John Brumbaugh	Nothing further, witness steps down
<u>1:56:08 PM</u>	Brett Judd, AC Prosecutor	state rests
<u>1:56:22 PM</u>	Judge Cathleen MacGregor-Irby	Finds PC
<u>1:56:42 PM</u>	Steven Botimer AC Public Defender	Motion for bond reduction
<u>1:59:01 PM</u>	Brett Judd, AC Prosecutor	Response to motion for bond reduction
<u>2:01:29 PM</u>	Judge Cathleen MacGregor-Irby	Judge Finds PC, Case Bound Over to Judge Neville 7-8-13 at 9:00 am Commitment Signed

FILED 7/2/13 AT 202 P.M.
 CHRISTOPHER D. RICH,
 CLERK OF THE DISTRICT COURT
 BY Amay
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Vernon Craig Pelland

Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number FE 2013-7623

Case Called Irby 14504

☒ Ada ☐ Special B. Judd
☒ PD/Attorney S. Bohmer

Defendant: ☒ Present ☐ Not Present ☒ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☐ Bond \$ 20,000 ☒ Motion for Bond Reduction Denied / Granted 7500

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☐ State / Defense / Mutual Request for Continuance

☐ State / Defense Objection / No Objection to Continuance

☐ Case continued to at am/pm for

☐ Defendant Waives Preliminary Hearing ☒ Hearing Held ☒ Commitment Signed

☒ Case Bound Over to Judge Neville on 7-8-13 at 9:00 am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT ST., BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

DATED 7-2-13

CHRISTOPHER D. RICH, Clerk of the District Court

By: Amay
 Deputy Clerk

I hereby certify that copies of this notice were served as follows:

Defendant ☒ Hand Delivered

Defense Attorney ☐ Hand Delivered

Public Defender ☐ Hand Delivered

Prosecutor ☒ Hand Delivered

Signature Vernon Craig Pelland

Clerk h Date 7-2-13


JUL 02 2013

CHRISTOPHER D. RICH, Clerk
By HEIDI MANLEY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
)	
vs.	)	COMMITMENT
)	
VERNON CRAIG PELLAND,	)	Defendant 
)	
Defendant.)	
_____)	

THE ABOVE NAMED DEFENDANT, VERNON CRAIG PELLAND, having been brought before this Court for a Preliminary Examination on the 2 day of July, 2013, on a charge that the Defendant on or about the 6th day of June 2013, in the County of Ada, State of Idaho, did commit the crimes of: I. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), 2409 and II. PETIT THEFT, MISDEMEANOR, I.C. §18-2403(1), 2407(2) as follows:

COUNT I

That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, obtain, and/or withhold money orders from the owner, MoneyGram, with the intent to appropriate to himself certain property of another.

COUNT II

That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take and/or obtain social security cards and/or identification cards, from multiple persons, with the intent to appropriate to himself certain property of another.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 20,000.

DATED this 7 day of July, 2013.


MAGISTRATE

JUL 02 2013

CHRISTOPHER D. RICH, Clerk
By HEIDI MANLEY
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION
Criminal Court - Traffic Division
200 W. Front St.
Boise, Idaho 83702

MEMO FOR THE RECORD

Date: 7-2-13

Case Number: FE 2013-17623

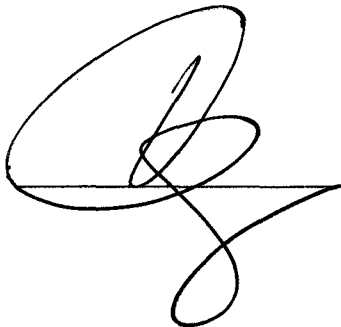
Defendant: Vernon Craig Pelland

Subject: _____

Bond reduced to \$750.

This Case Only

JUDGE



7/2/13
Date

162
APR
7/2
d/

NO. 10
A.M. FILED P.M.

JUL 05 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
)	
vs.	)	INFORMATION
)	
VERNON CRAIG PELLAND,	)	Defendant's [REDACTED]
	)	[REDACTED]
Defendant.)	
)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that VERNON CRAIG PELLAND is accused by this Information of the crimes of: I. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), 2409 and II. PETIT THEFT, MISDEMEANOR, I.C. §18-2403(1), 2407(2) which crimes were committed as follows:

COUNT I


That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, obtain, and/or

withhold money orders from the owner, MoneyGram, with the intent to appropriate to himself certain property of another.

COUNT II

That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take and/or obtain social security cards and/or identification cards, from multiple persons, with the intent to appropriate to himself certain property of another.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Ada County Mugshot - Prosecutor's Office



User: PRBRIGCA



Photo Taken: 2013-06-06 18:49:21

Name: PELLAND, VERNON CRAIG

Case #: CR-FE-2013-0007623

LE Number: 1052121

Height: 510

Weight: 210

Drivers License Number:

Drivers License State:

Sex: M Race: W Eye Color: HAZ Hair Color: BLN Facial Hair:

Marks:

Scars:

Tattoos:

9-18-13
ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

ERIC R. ROLFSEN, ISB #3731
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1024 FILED
A.M. 10:24 P.M.

JUL - 5 2013

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

MOTION FOR BOND REDUCTION

COMES NOW, Vernon Craig Pelland, the above-named Defendant, by and through counsel of the Ada County Public Defender's office, Eric R. Rolfsen, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied his right to bail.

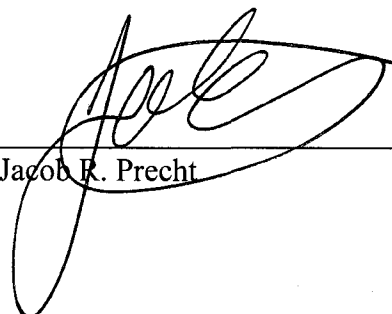
DATED, Wednesday, July 03, 2013.


ERIC R. ROLFSEN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, July 03, 2013, I mailed (served) a true and correct copy of the within instrument to:

FAFA ALIDJANI
ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL


Jacob R. Precht

10
MOTION FOR BOND REDUCTION

000039

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

ERIC R. ROLFSEN, ISB #3731
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1041 FILED
A.M. 10:41 P.M.

JUL - 5 2013

CHRISTOPHER D. RICH, Clerk
By SHERRI BOUCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

NOTICE OF HEARING
(Motion for Bond Reduction)

TO: THE STATE OF IDAHO, Plaintiff, and to FAFA ALIDJANI, Ada County
Prosecutor's Office:

YOU, AND EACH OF YOU, are hereby notified that Defendant will call on for hearing
Motion for Bond Reduction. Said hearing shall take place on July 8, 2013, at the hour of 9:00
a.m., in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Wednesday, July 03, 2013.


ERIC R. ROLFSEN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, July 03, 2013, I mailed (served) a true and
correct copy of the within instrument to:

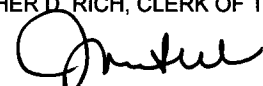
FAFA ALIDJANI
ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL


Jacob R. Precht

NOTICE OF HEARING (MOTION FOR BOND REDUCTION)

000040

Time	Speaker	Note
<u>11:51:51 AM</u>	Court	called ROLL CALL FOR ARRAIGNMENTS ST v GENTRY YARBROUGH CRFE13-07821 ST v SEAN HAUSMAN CRFE11-06131 ST v VERNON PELLAND CRFE11-07623 ADVICE OF RIGHTS
<u>12:11:25 PM</u>	Court	called ST v VERNON PELLAND CRFE11-07623 , present in custody
<u>12:11:43 PM</u>	Eric Rolfsen	counsel for defendant
<u>12:11:54 PM</u>	Joshua Haws	counsel for State
<u>12:12:10 PM</u>	Court	copy of information to defendant and counsel, Court advised of penalties that could be imposed
<u>12:13:05 PM</u>	Eric Rolfsen	True name, waive formal reading, enter not guilty plea
<u>12:13:35 PM</u>	Court	set jury trial on November 12, 2013 @ 9:00 a.m. and pre trial conf. on Nov 4 @ 300 p.m. Disc. deadlines August 14th and disp motions by August 28th.
<u>12:14:57 PM</u>	Eric Rolfsen	requested to argue bond
<u>12:16:03 PM</u>	Court	appears argued in magistrated and reduced to \$7500
<u>12:16:20 PM</u>	Joshua Haws	states not ready to argue this today
<u>12:16:33 PM</u>	Court	will ask State to try and get ready today
<u>12:16:44 PM</u>	Eric Rolfsen	argued Motion to reduce bond to an ROR
<u>12:17:22 PM</u>	Joshua Haws	argued in opposition, bond is very reasonable
<u>12:19:23 PM</u>	Court	denied Motion to reduce, bond is set very reasonably. Request State provide an order
<u>12:19:49 PM</u>	End Case	

FILED
Monday, July 08, 2013 at 01:51 PM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: 
Deputy Clerk

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

**NOTICE OF JURY
TRIAL SETTING**

ADA COUNTY PROSECUTING ATTORNEY
SCOTT BANDY
INTER DEPT MAIL

ADA COUNTY PUBLIC DEFENDER/ERIC ROLFSEN
INTER DEPT MAIL

THE HONORABLE THOMAS F. NEVILLE HAS SET THE ABOVE-ENTITLED
MATTER FOR TRIAL BEFORE THE COURT AND A JURY ON:

PRETRIAL CONFERENCE.....Monday, November 04, 2013 @ 03:00 PM
Judge: Thomas F. Neville

JURY TRIAL.....Tuesday, November 12, 2013 @ 09:00 AM
Judge: Thomas F. Neville

THE DEFENDANT SHALL BE PERSONALLY PRESENT AT THE PRETRIAL
CONFERENCE UNLESS EXCUSED BY THE COURT.

THE COURT SET DISCOVERY DEADLINES FOR: August 14, 2013

ALL DISPOSITIVE MOTIONS TO BE FILED BY: August 28, 2013

Proposed Jury Instructions shall be submitted at least five days prior to trial.

CHECK BULLETIN BOARD ON DAY OF TRIAL FOR COURTROOM NUMBER.

cc: Counsel/je

NOTICE OF JURY TRIAL SETTING

000042

182
296
1114
3

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

ERIC R. ROLFSEN, ISB #3731
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____

FILED
P.M. _____

JUL 10 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,


Defendant.

Case No. CR-FE-2013-0007623

MOTION FOR PRELIMINARY
HEARING TRANSCRIPT

COMES NOW, Vernon Craig Pelland, the defendant above-named, by and through counsel of the Ada County Public Defender's office, ERIC R. ROLFSEN, and moves this Court pursuant to ICR 5.1(d) for an ORDER providing typewritten transcripts of the preliminary hearing proceedings, which were held July 2, 2013, as they are essential and necessary for filing pretrial motions. The defendant, being indigent, also requests that the transcripts be prepared at the cost of Ada County, and as soon as possible.

DATED, Tuesday, July 09, 2013.


ERIC R. ROLFSEN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, July 09, 2013, I mailed a true and correct copy of the within instrument to the Ada County Transcript Coordinator by placing said same in the Interdepartmental Mail.


Jacob R. Precht


MOTION FOR PRELIMINARY HEARING TRANSCRIPT

000043

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO
A.M. FILED P.M.

THE STATE OF IDAHO,
Plaintiff,

vs.

PELLAND VERNON CRAIG
Defendant

JUL 11 2013

NOTICE OF COURT DATE
AND
BOND RECEIPT

CHRISTOPHER D. RICH, Clerk
BY CHERYL WADAMS
DEPUTY

New

✓

YOU ARE HEREBY NOTIFIED that you must appear in Court
on 04 November 2013 at 03:00PM hrs, at the:

Ada County Courthouse
200 West Front Street
Boise, 83702

If you have been arrested for a Citation, This Notice of Court Date Supersedes any other Court Date for this case. If you have been given a date by the court you must keep those appearances, failing to do so will cause a warrant for arrest and forfeiture of bond.

You are further notified that if you fail to appear as specified herein, your bond will be forfeited and a Warrant of Arrest will be issued against you.

BOND RECEIPT No: 953289

Charge: 18-2407 {F} THEFT-GRAND
Bond Amount: \$ 7,500.00
Case # CRFE20130007623
Bond # AC10-7501319
Bond Type: Surety
Warrant #:
Agency: Aladdin/Anytime
Insurance: American Contractors Indemnity Company
Bondsman: LISBY SHERELE
Address: 80 N. COLE RD.
BOISE, ID 83704

✓

This is to certify that I have received a copy of this NOTICE TO APPEAR.
I understand that I am being released on the conditions of posting bail and
my promise to appear in the court at the time, date, and place described in this notice.

DATED: 7/10/2013

Conrad
DEFENDANT

152
PAC
2-1

GREG H. BOWER

Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

RECEIVED
JUL 10 2013
Ada County Clerk

NO. _____ FILED _____
A.M. _____ P.M. *4:00*

JUL 16 2013

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CRFE2013-0007623

**ORDER DENYING
DEFENDANT'S MOTION
TO REDUCE BOND**

THE COURT having heard the Defendant's Motion to Reduce Bond heretofore made on the 8th day of July, 2013, in the matter of State of Idaho v. VERNON CRAIG PELLAND, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the Defendant's Motion to Reduce Bond is hereby Denied.

DATED this 16th day of July, 2013.

J. Meville
Judge

ORDER DENYING DEFENDANT'S MOTION TO REDUCE BOND (PELLAND),

Page 1

000045

NO. _____ FILED _____
A.M. _____ P.M. *4:24*

JUL 16 2013

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

ERIC R. ROLFSEN, ISB #3731
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
JUL 10 2013
Ada County Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

ORDER FOR PRELIMINARY
HEARING TRANSCRIPT

For good cause appearing, this Court hereby grants Defendant's Motion for Preliminary Hearing Transcript. Pursuant to ICR 5.1(d), a typewritten transcript of the preliminary hearing held July 2, 2013, shall be prepared at the expense of Ada County, and as soon as possible, *subject to reimbursement*.
Jm SO ORDERED AND DATED, this 16th day of July, 2013.

Thibault

THOMAS F. NEVILLE
District Judge

✓
ORDER FOR PRELIMINARY HEARING TRANSCRIPT

000046

182

NO. _____
FILED 30
A.M. _____ P.M. 2

JUL 19 2013

CHRISTOPHER D. RICH, Clerk
By RAE ANN NIXON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CRFE-2013-0007623
)	
VERNON C. PELLAND,	)	NOTICE OF PREPARATION
	)	OF PRELIMINARY HEARING
Defendant,	)	TRANSCRIPT
_____)	

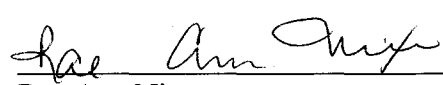
An Order for transcript was filed in the above-entitled matter on July 16, 2013, and a copy of said Order was received by the Transcription Department on July 17, 2013. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Preliminary Hearing
Date of Hearing: July 2, 2013 Judge: Cathleen MacGregor-Irby
20 Pages x \$3.25 = \$65.00

In this case, the Ada County Public Defender's Office has agreed to pay for the cost of the transcript fee upon completion of the transcript.

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty (30) days (or expedited days) from the date of this notice. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.

Date: July 19, 2013



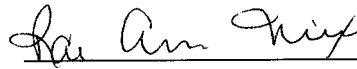
Rae Ann Nixon
Transcript Coordinator

2

CERTIFICATE OF MAILING

I certify that on July 19, 2013, a true and correct copy of the Notice of Preparation of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

Ada Co. Public Defender
200 W. Front St. Ste. 1107
Boise ID 83702
ERIC ROLFSEN

A handwritten signature in cursive script, reading "Rae Ann Nixon", written over a horizontal line.

Rae Ann Nixon
Transcript Coordinator

152
PTC
11/4
3-

NO. 10 FILED
A.M. 10 P.M. 10

AUG 29 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 W. Front Street, Suite 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623


**MOTION TO CONTINUE
JURY TRIAL**

COMES NOW, R. Scott Bandy, Deputy Prosecuting Attorney for Ada County, State of Idaho, and moves this Court to continue the jury trial for the following reasons: The State's witness, Officer Angela Lythgoe, is unavailable and on leave from November 8, 2013 through November 29, 2013.

Therefore, the State respectfully requests the jury trial date be reset after November 29, 2013.

DATED this 20th day of August, 2013.

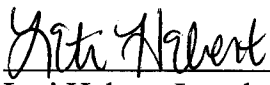
GREG H. BOWER
Ada County Prosecuting Attorney


By: R. Scott Bandy
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of August, 2013, a true and correct copy of the foregoing State's Motion to Continue Jury Trial was served to **Eric Rolfsen, Ada County Public Defender, 200 W. Front St., Room 1107, Boise, ID 83702**, in the manner noted below:

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____


Leti Hebert, Legal Assistant

AUG 29 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
VERNON CRAIG PELLAND,)
)
)
Defendant.)

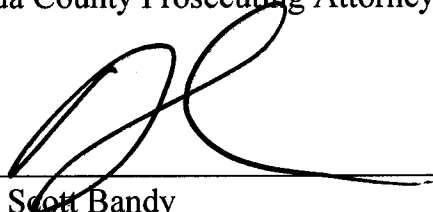
Case No. CRFE-2013-0007623

NOTICE OF HEARING

TO: VERNON CRAIG PELLAND and Eric Rolfsen, Ada County Public defender, his attorney of record, you will please take notice that on the 9th day of September, 2013, at the hour of 9:00 a.m. of said day, this case will be set for the State's Motion to Continue Jury Trial.

DATED this 29th day of August, 2013.

GREG H. BOWER
Ada County Prosecuting Attorney



R. Scott Bandy
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2013, a true and correct copy of the Notice of Hearing on the State's Motion to Continue Jury Trial was served to **Eric Rolfsen, Ada County Public Defender, 200 W. Front Street, Room 1107, Boise, Idaho 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☒ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number:*



Leti Hebert, Legal Assistant

Time	Speaker	Note
10:34:48 AM	Court	called ST v VERNON PELLAND CRFE13-07623, defendant not present
10:36:04 AM	Eric Rolfsen	defendant sent letter but have not heard from him
10:38:07 AM	Scott Bandy	counsel for State
10:38:12 AM	Court	will reserve jurisdiction for warrant, set over to September 30, 2013 @ 9:00 a.m. for appearance or bench warrant.
10:38:41 AM	End Case	

Time	Speaker	Note
<u>10:38:36 AM</u>	Court	called ST v Vernon Pelland CRFE13-07623 , present on bond
<u>10:38:48 AM</u>	Eric Rolfsen	counsel for defendant
<u>10:39:00 AM</u>	Scott Bandy	counsel for State
<u>10:39:05 AM</u>	Court	here on State's Motion to Continue Jury Trial, advises defendant needs to maintain better contact with counsel.
<u>10:39:52 AM</u>	Scott Bandy	Officer pre approved leave from November 8th through November 29th.
<u>10:41:02 AM</u>	Eric Rolfsen	not opposed to reset
<u>10:41:09 AM</u>	Court	grants motion to reset
<u>10:41:41 AM</u>	Eric Rolfsen	have discussed speedy trial, will waive speedy trial
<u>10:42:13 AM</u>	Court	inquired of defendant, notes speedy trial. Court vacated trial now set for November 12th. Reset jury trial to February 4th at 9:00 a.m. and pretrial conf. on January 27th. Deadlines already passed, no need to reset.
<u>10:43:38 AM</u>	End Case	

RECEIVED
AUG 29 2013
ADA COUNTY CLERK

NO. _____ FILED
A.M. 10:24 P.M. _____

GREG H. BOWER
Ada County Prosecuting Attorney

OCT - 1 2013

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

R. Scott Bandy
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

VERNON CRAIG PELLAND,)

Defendant.)
_____)

Case No. CR-FE-2013-0007623

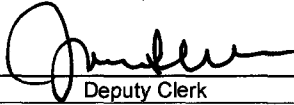
**ORDER TO CONTINUE JURY
TRIAL**

The above entitled matter having come before this Court and good cause appearing;

IT IS HEREBY ORDERED that the Jury Trial currently set for November 12,
2013 at 9:00 o'clock be reset to the 4th day of February, 2014, at the hour of 7m
9:00 o'clock of said day.

DATED this 30th day of September, 2013.

Thomas F. Neville
Thomas F. Neville
District Judge

FILED
Tuesday, October 01, 2013 at 10:24 AM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: 
Deputy Clerk

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

**NOTICE OF JURY
TRIAL RESETTING**

ADA COUNTY PROSECUTING ATTORNEY/SCOTT BANDY
INTER DEPT MAIL

ADA COUNTY PUBLIC DEFENDER ERIC ROLFSEN

THE HONORABLE THOMAS F. NEVILLE HAS SET THE ABOVE-ENTITLED
MATTER FOR TRIAL BEFORE THE COURT AND A JURY ON:

PRETRIAL CONFERENCE.....Monday, January 27, 2014 @ 03:00 PM
Judge: Thomas F. Neville

JURY TRIAL.....Tuesday, February 04, 2014 @ 09:00 AM
Judge: Thomas F. Neville

THE DEFENDANT SHALL BE PERSONALLY PRESENT AT THE PRETRIAL
CONFERENCE UNLESS EXCUSED BY THE COURT.

Proposed Jury Instructions shall be submitted at least five days prior to trial.

CHECK BULLETIN BOARD ON DAY OF TRIAL FOR COURTROOM NUMBER.

cc: Counsel/je

NOTICE OF JURY TRIAL SETTING

000057

Time	Speaker	Note
<u>03:48:03 PM</u>	Court	called ST v VERNON PELLAND CRFE13-07623 , present on bond
<u>03:48:12 PM</u>	Eric Rolfsen	counsel for defendant
<u>03:48:18 PM</u>	Scott Bandy	counsel for State
<u>03:48:23 PM</u>	Court	notes State had previous Motion to Continue, inquired why defense needs Motion to Continue
<u>03:48:41 PM</u>	Eric Rolfsen	Was ready for trial, defendant has been taking care of his mother in Las Vegas who slipt and fell. Believe this could be fatal. Defendant agrees to pay any costs if there is any with vacating the trial. Request couple month set over.
<u>03:51:18 PM</u>	Court	set over to June 3, 2014 @ 9:00 a.m. and pre trial conf on May 27, 2014 @ 3:00 p.m.
<u>03:53:41 PM</u>	End Case	

BY: 
Deputy Clerk

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

**NOTICE OF JURY
TRIAL SETTING**

ADA COUNTY PROSECUTING ATTORNEY/SCOTT BANDY
INTER DEPT MAIL

ADA COUNTY PUBLIC DEFENDER/ERIC ROLFSEN
INTER DEPT MAIL

THE HONORABLE THOMAS F. NEVILLE HAS SET THE ABOVE-ENTITLED
MATTER FOR TRIAL BEFORE THE COURT AND A JURY ON:

PRETRIAL CONFERENCE.....Tuesday, May 27, 2014 @ 03:00 PM
Judge: Thomas F. Neville

JURY TRIAL.....Tuesday, June 03, 2014 @ 09:00 AM
Judge: Thomas F. Neville

THE DEFENDANT SHALL BE PERSONALLY PRESENT AT THE PRETRIAL
CONFERENCE UNLESS EXCUSED BY THE COURT.

Proposed Jury Instructions shall be submitted at least five days prior to trial.

CHECK BULLETIN BOARD ON DAY OF TRIAL FOR COURTROOM NUMBER.

cc: Counsel/je

 NOTICE OF JURY TRIAL SETTING

000059

Time	Speaker	Note
03:56:52 PM	Court	called ST v VERNON PELLAND CRFE13-007623 , present on bond
03:57:02 PM	Eric Rolfsen	counsel for defendant
03:57:08 PM	Scott Bandy	counsel for State
03:57:13 PM	Court	understands this matter ready for trial.
03:57:57 PM	Scott Bandy	made an offer for probation
03:58:05 PM	Eric Rolfsen	defendant states not guilty of this charge, misd. could resolve, but otherwise defendant ready for trial.
04:01:01 PM	Scott Bandy	not sure how much more can negotiate
04:01:15 PM	Court	inquired about a W/J
04:01:42 PM	Scott Bandy	stated has not used a W/J capped at a 5 year probation
04:02:13 PM	Eric Rolfsen	would like to discuss further with defendant
04:02:24 PM	Recess	
04:12:25 PM	Eric Rolfsen	still in trial mode. Defendant would not accept the W/J offer.
04:12:42 PM	Court	goes to trial matters.
04:12:50 PM	Scott Bandy	tendered to Court witness list.
04:14:03 PM	Court	poss. max. 14 years with \$5,000 fine. 6 peremptories and one 1 alternate. Court will use seating chart with 27 boxes. length of trial
04:14:55 PM	Scott Bandy	not more than 2 days. Believe can be done on Wednesday.
04:15:08 PM	Eric Rolfsen	concur.
04:15:19 PM	Court	will advertise as 3 day trial.
04:16:10 PM	Scott Bandy	will try the case for State
04:16:25 PM	Eric Rolfsen	believe standard instructions will cover.
04:17:03 PM	Scott Bandy	concur with Grand Theft, IDJI 540 2A includes all alternatives for Grand Theft, B would be petit theft.
04:18:50 PM	Court	inquired if lessor included
04:19:01 PM	Scott Bandy	statute makes it the felony. Count II, is a petit theft.
04:19:49 PM	Court	one hour for voir dire, opening 15 minutes and one hour total for closing. Would ask counsel stipulate to alternate being in box 13. Court won't have jury in courtroom until 9:30 on Tuesday morning.
04:23:18 PM	End Case	

GREG H. BOWER
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

NO. 8-388 FILED
A.M. 8-388 P.M.

MAY 28 2014

CHRISTOPHER D. RICH, Clerk
By **JANET ELLIS**
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

VERNON CRAIG PELLAND,)

Defendant.)

Case No. CR-FE-2013-0007623

STATE'S WITNESS LIST

COMES NOW, R. Scott Bandy, Deputy Prosecuting Attorney for the County of
Ada, State of Idaho, and intends to call the following witnesses in its case in chief:

State's Witness List in its Case in Chief

1. ~~Off~~ John Brumbaugh, Garden City Police Department
2. Tim J Riley, Garden City Police Department
3. Officer Angela Lythgoe, Garden City Police Department
4. Kristin Boehm, Garden City Police Department - *employee*
5. Tina M Fenske, Garden City Police Department
6. Money Gram, c/o Ada County Prosecutor's Office *Willard Hart*
7. Gina Kilton Sayles, c/o Ada County Prosecutor's Office
8. Tomas Olea-Gonzalez, c/o Ada County Prosecutor's Office

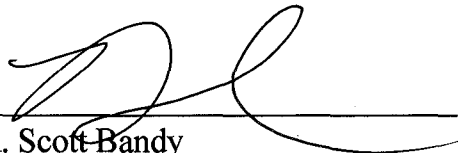
9. Gregory Lee Sparrow, c/o Ada County Prosecutor's Office
10. Michelle Jacson, c/o Ada County Prosecutor's Office
11. Carey L Hickman, c/o Ada County Prosecutor's Office
12. David Joseph Tiffany, c/o Ada County Prosector's Office
13. Mary Lynn Thomas, c/o Ada County Prosecutor's Office

All above witnesses were disclosed in the State's initial discovery response filed August 14, 2013.

WHEREFORE, the State hereby notifies the Court of the witnesses it will call in its case in chief.

RESPECTFULLY SUBMITTED this 27th day of May 2014.

GREG H. BOWER
Ada County Prosecuting Attorney


By: R. Scott Bandy
Deputy Prosecuting Attorney

NO. 9100 FILED
A.M. 9:00 P.M.

JUN - 3 2014

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

CHRISTOPHER D. RICH, Clerk
By **JANET ELLIS**
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0007623
)	
vs.	)	A M E N D E D
	)	I N F O R M A T I O N
VERNON CRAIG PELLAND,)	
	)	Defendant's [REDACTED]
Defendant.	)	[REDACTED]
)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that VERNON CRAIG PELLAND is accused by this Information of the crimes of: I. GRAND THEFT BY POSSESSION, FELONY, I.C. §18-2403(1), 2407(1)(b), 2409 and II. PETIT THEFT BY POSSESSION, MISDEMEANOR, I.C. §18-2403(1), 2407(2) which crimes were committed as follows:

COUNT I

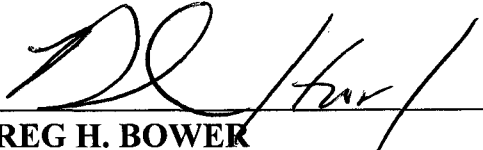
That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, obtain, possess and/or withhold money orders from the owner, MoneyGram, knowing the property to be

stolen, or under circumstances as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use or benefit of the property.

COUNT II

That the Defendant, VERNON CRAIG PELLAND, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, possess, and/or obtain social security cards and/or identification cards, from multiple persons knowing the property to be stolen, or under circumstances as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use or benefit of the property.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.


GREG H. BOWER
Ada County Prosecuting Attorney

Time	Speaker	Note
09:09:07 AM	Court	called ST vs VERNON CRAIG PELLAND , present on bond.
09:09:28 AM	Scott Bandy	counsel for State
09:09:33 AM	Eric Rolfsen	counsel for Defendant
09:09:39 AM	Court	has had filed an Amended Information. Court and counsel met in chambers yesterday afternoon to discuss the amended information. Defendant was not present at that time.
09:12:27 AM	Eric Rolfsen	no objection to the filing of the Amended Information.
09:12:44 AM	Court	Charges Grand Theft By Possession
09:13:06 AM	Defendant	understands
09:14:19 AM	Court	goes over witness list. Notes F.T.A's for the record. Court goes over seating chart.
09:29:26 AM	Scott Bandy	believe the audio has no concern. Only issue is how to handle the arrest. He was arrested on misd warrant. Officer will handle by stating that he was in custody on a unrelated misd. matter.
09:30:41 AM	Eric Rolfsen	If only states was arrested on a misd. warrant.
09:31:20 AM	Eric Rolfsen	Move to exclude witnesses.
09:31:31 AM	Court	understands that Mr. Hart will fly in from Denver, inquired if he will stay for any other portion of the trial.
09:31:50 AM	Scott Bandy	Does not wish to stay. Have arranged for hotel if needed.
09:33:03 AM	Recess	
09:38:15 AM	Jury	present and seated
09:40:18 AM	Court	welcomes jury
09:40:30 AM	ROLL CALL	
09:43:56 AM	Court	introductory remarks/inquired if need hearing devices
09:48:44 AM	Jury Pool	SWORN
09:49:51 AM	Clerk	calls names of 27 perspective jurors
09:58:05 AM	Court	voir dire of jury panel
10:10:55 AM	Scott Bandy	voir dire of jury panel
10:51:55 AM		passed panel for cause
	Scott Bandy	
10:52:08 AM	Eric Rolfsen	voir dire
11:08:52 AM	Short recess	
11:30:14 AM	Court	back on the record
11:30:44 AM	Scott Bandy	indicated juror #315 completed questionnaire but it did not show on line, but is not in voir dire pool
11:31:17 AM	Eric Rolfsen	cont'd voir dire - Passed panel for cause
12:05:38 PM	Court & Counsel	exercise peremptory challenges off the record
12:25:09 PM	Court	seats selected jury panel
12:29:11 PM	Jury Panel	SWORN to try the case
12:30:09 PM	Court	excused remaining jurors
12:32:19 PM	Court	admonished seated jurors and excused them for lunch recess to return at 2:00 p.m.
12:39:40 PM	Jury	excused
12:40:25 PM	Court	inquired of defendant if having emotional issues.
12:42:15 PM	recess	
02:05:09 PM	Jury	present and seated

<u>02:05:15 PM</u>	Court	gives overview of the case
<u>02:06:58 PM</u>	Clerk	reads formal Amended Information
<u>02:09:53 PM</u>	Scott Bandy	opening Statement
<u>02:16:55 PM</u>	Eric Rolfsen	opening Statement
<u>02:20:15 PM</u>	Scott Bandy	called GCPO OFFICER TIM RILEY/SWORN and direct examined. Officer identified the defendant. Mr. Bandy cont'd to exhibits 1-5. Move to admit and publish
<u>02:34:05 PM</u>	Eric Rolfsen	no objection
<u>02:34:09 PM</u>	Court	admits exhibits 1-5
<u>02:34:25 PM</u>	Scott Bandy	published exhibits
<u>02:36:28 PM</u>	Scott Bandy	cont'd direct examination re: State's exhibit 6, move to admit and publish
<u>02:37:29 PM</u>	Eric Rolfsen	no objection
<u>02:37:38 PM</u>	Court	admits State's 6
<u>02:37:53 PM</u>	Scott Bandy	published
<u>02:38:15 PM</u>	Scott Bandy	cont'd direct examination, cont'd to State's exhibit 7, move to admit
<u>02:39:18 PM</u>	Eric Rolfsen	no objection
<u>02:39:28 PM</u>	Court	admits State's exhibit 7
<u>02:39:36 PM</u>	Scott Bandy	has officer publish cards showing two sets of money orders and instruction sheet for vendor.
<u>02:41:04 PM</u>	Scott Bandy	cont'd to State's exhibit 8, move to admit and publish
<u>02:41:29 PM</u>	Eric Rolfsen	no objection
<u>02:41:34 PM</u>	Court	admits State's exhibit 8
<u>02:41:41 PM</u>	Scott Bandy	published exhibit 8
<u>02:45:37 PM</u>	Eric Rolfsen	cross examination re: Defendant's exhibit A, move to admit and publish
<u>02:46:04 PM</u>	Scott Bandy	no objection
<u>02:46:10 PM</u>	Court	admits Defendants's exhibit A
<u>02:46:22 PM</u>	Eric Rolfsen	published Exhibit A
<u>02:51:02 PM</u>	Scott Bandy	re-direct examination re: Exhibit A
<u>02:52:34 PM</u>	Witness	excused, not subject to recall
<u>02:53:00 PM</u>	Scott Bandy	called GCPO OFFICER ANGELA LITHGOE/SWORN and direct examined. Identified the defendant.
<u>02:57:58 PM</u>	Eric Rolfsen	cross examination
<u>03:00:53 PM</u>	Scott Bandy	redirect examination
<u>03:01:46 PM</u>	Witness	excused not subject to recall
<u>03:01:58 PM</u>	Scott Bandy	called WILLARD ANTHONY HART/SWORN Money gram International. Direct Examination - cont'd to exhibit 7, previously admitted.
<u>03:24:09 PM</u>	Eric Rolfsen	cross examination
<u>03:41:03 PM</u>	Scott Bandy	redirect examination
<u>03:42:12 PM</u>	Witness excused	
<u>03:42:20 PM</u>	Court	excused jury for recess
<u>03:43:06 PM</u>	Scott Bandy	have ability to get Mr. Hart back on 7:20 p.m. flight tonight, inquired if Mr. Rolfsen would need to recall
<u>03:43:47 PM</u>	Eric Rolfsen	no objection
<u>03:44:00 PM</u>	Court	excused Mr. Hart not subject to recall.

03:44:15 PM	Recess	
04:04:54 PM	Jury	present and seated,
04:05:07 PM	Scott Bandy	called JOHN BRUMBAUGH/GCPD DETECTIVE/SWORN and direct examined. Identified defendant. Cont'd State's exhibit 9, audio, move to admit and publish
04:10:49 PM	Eric Rolfsen	no objection
04:11:01 PM	Court	admitted exhibit 9
04:21:22 PM	published	to jury
04:36:24 PM	Scott Bandy	completed direct examination
04:36:34 PM	Eric Rolfsen	cross examination
04:41:31 PM	Scott Bandy	redirect examination
04:41:44 PM	Eric Rolfsen	objects, argumentative
04:42:01 PM	Court	overruled, leave to the jury
04:43:03 PM	Witness excused	not subject to recall
04:43:38 PM	Scott Bandy	State Rests
04:43:44 PM	Court	and counsel side bar
04:45:47 PM	Jury	admonished and excused for the evening
04:46:35 PM	Court	re: side bar conference
04:47:06 PM	Eric Rolfsen	makes motion Rule 29 Judgment of Acquittal, not sufficient evidence to take to the jury
04:47:51 PM	Scott Bandy	have covered each element of the charge.
04:49:06 PM	Court	re: evidence of Count II.
04:50:12 PM	Scott Bandy	re: State's exhibit 6
04:50:34 PM	Court	possession with inference of his knowledge.
04:53:05 PM	Eric Rolfsen	submit to the Court
04:53:19 PM	Court	no statements from defendant he had these items in his possession. Only State's evidence before the Court at this time. There is suff. evidence before the jury that if the jury found credible could conceivably find defendant guilty. Deny Motion for directed verdict. Court will inquire of defendant tomorrow morning on whether he takes the stand
04:59:01 PM	End Day 1	

JUN -4 2014

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

JURY INSTRUCTIONS

THOMAS F. NEVILLE
District Judge
Presiding

INSTRUCTION NO. 1

Ladies and Gentlemen of the Jury:

It is my duty as judge to instruct you concerning the law applicable to this case, and it is your duty as jurors to follow the law as I shall state it to you.

The jury determines the issues of fact that are presented by the allegations in the Amended Information and the defendant's plea of "not guilty". You should be uninfluenced by pity for the defendant or by passion or prejudice against him. You must not be biased against the defendant because he has been charged or because he has been brought before the court to stand trial. None of these facts is evidence of guilt, and you are not permitted to infer or to speculate that he is more likely to be guilty than innocent.

You are to be governed solely by the evidence introduced in this trial and the law as stated to you by the court. The law forbids you to be governed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling. Both the State and the defendant have a right to demand, and they do demand and expect, that you will conscientiously and dispassionately consider and weigh the evidence and apply the law of the case, and that you will reach just verdicts regardless of the consequences of such verdicts. The verdicts must express the individual opinion of each juror.

INSTRUCTION NO. 2

The law does not require you to accept all of the evidence which has been admitted. In determining what evidence you will accept, you must make your own evaluation of the evidence and determine the degree of weight you choose to give to that evidence.

The testimony of a witness may fail to conform to the facts as they occurred because the witness is intentionally telling a falsehood, or because he or she did not accurately see or hear that about which he or she testifies, or because his or her recollection of the event is faulty, or because he or she has not expressed himself or herself clearly in giving testimony. There is no formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves the reliability or unreliability of statements made to you by others. The same considerations that you use in your everyday dealings are the considerations which you apply in your deliberations.

In determining the weight, if any, you will assign to a witness's testimony, you may consider such items as the interest or lack of interest of the witness in the outcome of this case; the bias or prejudice of a witness, if there be any; the age, the appearance, the manner in which the witness gives his or her testimony on the stand; the opportunity that the witness had to observe the facts concerning which he or she testifies; the probability or improbability of the witness's testimony when viewed in the light of all of the other evidence in the case; the contradiction, if any, of a witness's testimony by other evidence; statements, if any, made by the witness at other times

inconsistent with his or her present testimony; evidence, if any, that a witness's general reputation for truth, honesty or integrity is bad; a witness's previous conviction of a felony, if any; and the effect, if any, of alcohol or drugs upon the witness; are all items to be taken into your consideration in determining the weight, if any, you will assign to that witness's testimony.

INSTRUCTION NO. 3

You are the judges of the facts and of the effect and value of the evidence, but you must determine the facts from the evidence received here in court.

Statements of counsel are not evidence. However, if counsel for the parties have stipulated to any fact, you will treat that fact as being conclusively proved.

As to any question to which an objection was sustained, you must not speculate as to what the answer might have been or as to the reason for the objection.

You must not consider any offer of evidence that was rejected, nor any evidence that was stricken out by the Court; such matter is to be treated as though you had never heard it.

You must never speculate to be true any insinuation suggested by a question asked of a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

INSTRUCTION NO. 4

Evidence may be either direct or circumstantial. It is direct evidence if it proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact. It is circumstantial evidence if it proves a fact from which an inference of the existence of another fact may be drawn.

An inference of fact is one which may logically and reasonably be drawn from another fact or group of facts established by the evidence.

The law makes no distinction between direct and circumstantial evidence as to the degree of proof required; each is accepted as a reasonable method of proof and each is respected for such convincing force as it may carry.

INSTRUCTION NO. 5

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

INSTRUCTION NO. 6

A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to a verdict of not guilty. This presumption places upon the State the burden of proving him guilty beyond a reasonable doubt. Reasonable doubt is not a mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. Reasonable doubt is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

INSTRUCTION NO. 7

The defendant, Vernon Craig Pelland, is here for trial upon a criminal Amended Information filed in this court accusing the defendant of the crimes of Count I. Grand Theft by Possession of Stolen Property, Felony, and Count II. Petit Theft by Possession of Stolen Property, Misdemeanor.

The crime of Count I. Grand Theft by Possession of Stolen Property, Felony, is alleged to have been committed as follows:

That the defendant, Vernon Craig Pelland, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, obtain, possess, and/or withhold money orders from the owner, MoneyGram, knowing the property to be stolen or under the circumstances as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use of benefit of the property.

The crime of Count II. Petit Theft by Possession of Stolen Property, Misdemeanor, is alleged to have been committed as follows:

That the defendant, Vernon Craig Pelland, on or about the 6th day of June, 2013, in the County of Ada, State of Idaho, did wrongfully take, possess, and/or obtain social security cards and/or identification cards, from multiple persons knowing the property to be stolen, or under the circumstances as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use or benefit of the property.

The defendant has pled not guilty to these charges. The State must prove every material allegation in each of the charges beyond a reasonable doubt.

INSTRUCTION NO. 8

In order for the defendant to be guilty of Count I. Grand Theft by Possession of Stolen Property, Felony, the State must prove each of the following:

1. On or about the 6th day of June, 2013;
2. in the County of Ada, State of Idaho;
3. the defendant, Vernon Craig Pelland, knowingly took, obtained, possessed, and/or withheld money orders;
4. either knowing the property was stolen by another or under such circumstances as would reasonably induce the defendant to believe the property was stolen;
5. the property was a check, draft, or order for the payment of money upon any bank;
6. such property was in fact stolen; and
7. any of the following occurred:
 - (a) the defendant had the intent to deprive the owner permanently of the use or benefit of the property; or
 - (b) the defendant knowingly used, concealed or abandoned the property in such manner as to deprive the owner permanently of the use or benefit of the property; or
 - (c) the defendant used, concealed, or abandoned the property knowing that such use, concealment or abandonment would have probably deprived the owner permanently of the use or benefit of the property.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty of Count I. Grand Theft by Possession of Stolen Property, Felony. If each of the above has been proven beyond a reasonable doubt,

then you must find the defendant guilty of Count I. Grand Theft
by Possession of Stolen Property, Felony.

INSTRUCTION NO. 8A

The phrase "intent to deprive" means:

- a. The intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner; or
- b. The intent to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

The phrase "intent to appropriate" means:

- a. The intent to exercise control over property, or to aid someone other than the owner to exercise control over it, permanently or for so extended a period of time or under such circumstances as to acquire the major portion of its economic value or benefit; or
- b. The intent to dispose of the property for the benefit of oneself or someone other than the owner.

INSTRUCTION NO. 8B

An "owner" of property is any person who has a right to possession of such property superior to that of the defendant.

INSTRUCTION NO. 8C

To "obtain" property means to bring about a transfer of an interest in or the possession of the property.

INSTRUCTION NO. 8D

"Property" means anything of value.

INSTRUCTION NO. 8E

Property is stolen when a person wrongfully takes, obtains, or withholds it from the owner with the intent to deprive the owner of the property or to appropriate it to any person other than the owner.

INSTRUCTION NO. 9

In order for the defendant to be guilty of Count II. Petit Theft by Possession of Stolen Property, Misdemeanor, the State must prove each of the following:

1. On or about the 6th day of June, 2013;
2. in the County of Ada, State of Idaho;
3. the defendant, Vernon Craig Pelland, knowingly obtained control over and/or possessed social security cards and/or identification cards;
4. either knowing the property was stolen by another or under such circumstances as would reasonably induce the defendant to believe the property was stolen;
5. such property was in fact stolen; and
6. any of the following occurred:
 - (a) the defendant had the intent to deprive the owner permanently of the use or benefit of the property; or
 - (b) the defendant knowingly used, concealed or abandoned the property in such manner as to deprive the owner permanently of the use or benefit of the property; or
 - x (c) the defendant used, concealed, or abandoned the property knowing that such use, concealment or abandonment would have probably deprived the owner permanently of the use or benefit of the property.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty of Count II. Petit Theft by Possession of Stolen Property, Misdemeanor. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty of

Count II. Petit Theft by Possession of Stolen Property,
Misdemeanor.

INSTRUCTION NO. 10

In crimes such as these of which the defendant is charged in the Amended Information, there must exist a union or joint operation of act or conduct and criminal intent. To constitute criminal intent it is not necessary that there should exist an intent to violate the law. Where a person intentionally does that which the law declares to be a crime, he is acting with criminal intent, even though he may not know that his act or conduct is unlawful.

INSTRUCTION NO. 11

The intent with which an act is done is manifested by the circumstances attending the act, the manner in which it is done, the means used, and the sound mind and discretion of the person committing the act.

INSTRUCTION NO. 12

Each criminal count charges a separate and distinct offense. You must decide each count separately on the evidence and the law applicable to it, uninfluenced by your decision as to the other count. The defendant may be convicted or acquitted on any or all of the offenses charged. Your finding as to each count must be stated in a separate verdict form.

INSTRUCTION NO. 13

The question of penalty or punishment is solely for the Court if it becomes relevant. Therefore, I instruct you not to concern yourselves with penalty or punishment. Your duty as jurors is solely to determine whether the defendant is guilty or not guilty.

INSTRUCTION NO. 14

If these instructions state any rule, direction or idea in varying ways, no emphasis is intended by me and none must be inferred by you. You are not to single out any certain sentence, or any individual point or instruction, and ignore the others, but you are to consider all the instructions as a whole, and are to regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

INSTRUCTION NO. 15

The attitude and conduct of jurors at the beginning of their deliberations are matters of considerable importance. It is rarely productive or good for a juror at the outset to make an emphatic expression of his or her opinion on the case or to state how he or she intends to vote. When one does that at the beginning, his or her sense of pride may be aroused, and he or she may hesitate to change his or her position even if shown that it is wrong. Remember that you are not partisans or advocates in this matter, but are judges.

INSTRUCTION NO. 16

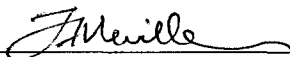
Both the State and the defendant are entitled to the individual opinion of each juror.

It is the duty of each of you to consider the evidence for the purpose of arriving at verdicts if you can do so. Each of you must decide the case for yourself, but should do so only after a discussion of the evidence and instructions with the other jurors.

You should not hesitate to change an opinion if you are convinced it is erroneous. However, you should not be influenced to decide any question in a particular way because a majority of the jurors or any of them, favor such a decision.

INSTRUCTION NO. 17

Upon retiring to the jury room, you will select one of your number to act as Foreman, who will preside over your deliberations and who will sign the verdict forms to which you agree. In order to return a verdict it is necessary that all twelve of the jurors agree to the decision. As soon as all of you have agreed upon the verdicts, you shall have the verdict forms signed and dated by your Foreman and then inform the Bailiff that you have reached verdicts on all charges.



THOMAS F. NEVILLE
District Judge

JUROR QUESTION TO JUDGE DURING DELIBERATION

DO NOT DESTROY - RETURN TO BAILIFF

DATE 6-4

CASE # CRFE13-07623

TO JUDGE Hon. Neville

FOREMAN NAME James Catchpole 312

QUESTION AND/OR REMARK:

Instruction 8 #6

Do we need to prove that the items were stolen
from the vendor, agent or any person along the chain?

Moneygram's Idaho Law
Does "lost or stolen" constitute the same thing as "stolen"?

What constitutes abandonment of property in NV and Idaho?


FOREMAN SIGNATURE

JUROR QUESTION TO JUDGE DURING DELIBERATION

DO NOT DESTROY - RETURN TO BAILIFF

DATE 6-4

CASE # CRFE13-07623

TO JUDGE Hon Neville

FOREMAN NAME James Catchpole 312

QUESTION AND/OR REMARK:

Instruction 8 #6

Do we need to prove that the items were stolen
from the vendor, agent or any person along the chain?

Moneygram's Idaho Law
Does "lost or stolen" constitute the same thing as "stolen"?

What constitutes abandonment of property in NV and Idaho?

RESPONSE: The jury is not required to prove anything. The jury must decide whether the State presented proof beyond a reasonable doubt of the crimes charged considering all the instructions as a whole. Element #6 of Instruction #8 requires that you decide only if the property was in fact stolen. Some of your questions relate to decisions you must make. Beyond that, the Court is unable to answer your question.

Respectfully,

Thomas F. Neville
DISTRICT JUDGE


FOREMAN SIGNATURE

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>8:51:59 AM</u>		ST v VERNON PELLAND CRFE13-0007623 Day 2, present on bond
<u>9:04:31 AM</u>	Court	calls case Day Two Jury Trial
<u>9:04:43 AM</u>	Eric Rolfsen	counsel for defendant, present on bond
<u>9:04:56 AM</u>	Scott Bandy	counsel for State
<u>9:05:03 AM</u>	Court	inquired if defendant has decided whether he would like to take stand
<u>9:05:22 AM</u>	Eric Rolfsen	stated defendant would like to invoke his 5th amendment rights
<u>9:05:42 AM</u>	Court	inquired of defendant re: his rights
<u>9:06:38 AM</u>	Defendant	understands his rights,
<u>9:07:20 AM</u>	Court	a person has to know his mind and to make decision, understood Mr. Rolfsen spoke to him and defendant did not want to make witness stand.
<u>9:08:33 AM</u>	Defendant	states he wants to take the stand and is not happy with his attorney at all.
<u>9:09:10 AM</u>	Court	will take short recess to allow Mr. Rolfsen to speak further with his attorney
<u>9:09:26 AM</u>	Recess	
<u>9:23:57 AM</u>	Court	inquired of Mr. Rolfsen
<u>9:24:04 AM</u>	Eric Rolfsen	stated it is his understanding that Mr. Pelland would like to testify
<u>9:24:19 AM</u>	Court	inquired of defendant wants to take stand
<u>9:24:58 AM</u>	Defendant	Says do not want to comment re: his satisfaction regarding his counsel, wants to take the stand
<u>9:26:31 AM</u>	Jury	present and seated
<u>9:27:09 AM</u>	Court	welcomes jury
<u>9:27:15 AM</u>	Eric Rolfsen	calls defendant VERNON CRAIG PELLAND/SWORN and direct examined
<u>9:36:16 AM</u>	Scott Bandy	cross examination
<u>9:43:20 AM</u>	Defendant	excused
<u>9:43:33 AM</u>	Eric Rolfsen	defense rests
<u>9:43:43 AM</u>	Court	will excuse jury to go over jury instructions.
<u>9:44:52 AM</u>	Jury excused	
<u>9:46:37 AM</u>	Court	goes through instructions
<u>9:53:44 AM</u>	Scott Bandy	request Mistake of Law instruction
<u>9:55:08 AM</u>	Court	believes covered in instruction #11

<u>9:55:18 AM</u>	Eric Rolfson	would like to read through a little more carefully.
<u>9:56:57 AM</u>	Court	response. Will take brief recess to allow Mr. Rolfson to review
<u>9:57:59 AM</u>	Recess	
<u>10:12:51 AM</u>	Court	back on the record. Inquired if Mr. Rolfson has any objections or requests to instructions
<u>10:13:11 AM</u>	Eric Rolfson	stated instructions are acceptable no additions.
<u>10:15:01 AM</u>	Jury	present and seated
<u>10:16:26 AM</u>	Court	formally reads instructions
<u>10:35:21 AM</u>	Scott Bandy	closing argument - request jury finds defendant guilty of Count I & Count II
<u>10:49:23 AM</u>	Eric Rolfson	closing argument
<u>11:02:47 AM</u>	Scott Bandy	Final Closing argument
<u>11:03:45 AM</u>	Clerk	swears bailiff to take charge of jury for deliberations
<u>11:04:50 AM</u>	Court	has alternate stay behind; Court instructs the alternate.
<u>11:10:47 AM</u>	Recess	
<u>11:10:52 AM</u>	Court	
<u>2:16:25 PM</u>	Court	back on record advised reached verdict approx 2:05 p.m.
<u>2:16:50 PM</u>	Jury	present and seated
<u>2:16:56 PM</u>	Bailiff	passes verdicts to the Court
<u>2:17:12 PM</u>	Court	viewed verdicts
<u>2:17:27 PM</u>	Defendant	rises
<u>2:17:31 PM</u>	Court	reads verdicts, Count I, Guilty of Count I, Guilty of Count II
<u>2:17:57 PM</u>	Clerk	polls jury
<u>2:19:31 PM</u>	Court	thanks the jury, excused them from their service.
<u>2:22:42 PM</u>	Court	revoked defendants bond and has defendant taken into custody. Court orders PSI and sets sentencing for August 4, 2014 @ 9:00 a.m.
<u>2:29:36 PM</u>	Court	had some questions regarding the evidence on Count II whether there was enough proof. Court may consider dismissal pursuant to Rule 49. Court would enter order for thinking errors course if defendant would like to take. Court will authorize interlock if they become available. JM
<u>2:32:45 PM</u>	End Case	

JUN -4 2014

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

V E R D I C T

WE, The Jury, sworn to try the above-entitled matter, find
the defendant guilty of Count II. Petit Theft by Possession of
Stolen Property, Misdemeanor.

Dated this 4 day of June, 2014.

FOREMAN

James Catchpole

312

JUN - 4 2014

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

V E R D I C T

WE, The Jury, sworn to try the above-entitled matter, find the defendant guilty of Count I. Grand Theft by Possession of Stolen Property, Felony.

Dated this 4 day of June, 2014.

James Catchpole 312
FOREMAN

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
12:17:05 PM	Court	called ST v VERNON PELLAND CRFE13-07623 , present in custody
12:17:34 PM	Eric Rolfsen	counsel for defendant
12:17:40 PM	Scott Bandy	counsel for State
12:17:46 PM	Court	time set for sentencing.
12:22:37 PM	Defendant	notes corrections to PSI.
12:38:19 PM	Defendant	ready to proceed
12:38:26 PM	Court	had some concerns with juries verdict on Count II. Court on its own motion will dismiss Count II. Inquired about restituion
12:39:08 PM	Scott Bandy	\$724.00
12:39:27 PM	Defendant	no objection
12:39:34 PM	Scott Bandy	rec. that the Court impose 2+8. Leave in Court's discretion whether to impose R/J or imposition. If a rider rec. T/C rider. Rec. \$5,000 fine suspended and \$1500 p.d. reimbursement.
12:47:24 PM	Eric Rolfsen	rec. that the Court place defendant on probation.
12:48:12 PM	Defendant	comments on own behalf.
12:49:48 PM	Court	no legal cause shown why sentence should not be imposed. Court has dismissed Count II. On Count I, the Court imposed JOC based on Jury's verdict. Court ordered fine of \$2,000 and suspend. Court imposed 2+8, P.D. reimbursement \$1500. Court R/J rec. CAPP rider in the CRP rider. If not placed in CRP rec. T/C rider.
12:55:15 PM	End Case	

NO. _____
A.M. _____ FILED P.M. 6:02

AUG 06 2014

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
CHRISTOPHER D. RICH, Clerk
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS
By KARI MAXWELL
DEPUTY

THE STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CR-FE-2013-0007623

ORDER OF DISMISSAL

Pursuant to Idaho Criminal Rule 48, Count II., in the above-named case, is dismissed by the Court. *So Ordered.*

Dated this 6th day of August, 2014.

Thomas F. Neville
Thomas F. Neville
District Judge

cc: counsel/km

AUG 06 2014

CHRISTOPHER D. RICH, Clerk
By KARI MAXWELL
DEPUTY

Greg H. Bower
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
Vernon Craig Pelland,)
)
Defendant.)
_____)

Case No. CRFE20130007623

**ORDER FOR RESTITUTION
AND JUDGMENT**

WHEREAS, on the 6th day of August, 2014, a Judgment of Conviction was entered against the Defendant, Vernon Craig Pelland, and therefore pursuant to Idaho Code §19-5304 and based on evidence presented to this Court,

IT IS HEREBY ORDERED, that the Defendant, Vernon Craig Pelland, shall make restitution to the victim(s) and/or law enforcement agency(ies) in the following amounts:

ADA COUNTY PROSECUTORS OFFICE

\$724.00

TOTAL:

\$724.00

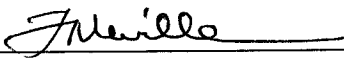
Post judgment interest on said restitution amount will accrue from the date of this Order and Judgment at the rate specified in Idaho Code §28-22-104.

FURTHER, pursuant to I.C. §19-5305, this Order may be recorded as a judgment against the Defendant, Vernon Craig Pelland, and the listed victim(s) may execute as provided by law for civil judgments.

FURTHER, it is the responsibility of the Defendant to notify the Restitution Department (208-287-7700) if at any time a victim collects by means of the civil judgment.

IT IS SO ORDERED.

DATED this 4th day of August, 2014.


Judge

AUG 06 2014

CHRISTOPHER D. RICH, Clerk
By KARI MAXWELL
DEPUTY

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

3
4 THE STATE OF IDAHO,

5 Plaintiff,

6 vs.

7 VERNON CRAIG PELLAND,

8 [REDACTED]

9 Defendant.

Case No. CR-FE-2013-0007623

**JUDGMENT OF CONVICTION
AND SENTENCE**

10
11 The abovenamed matter came before the Court for sentencing on
12 the 4th day of August, 2014. The defendant appeared in person and
13 with his attorney, Eric Rolfsen. The State was represented by
14 Scott Bandy as prosecuting attorney. The record reflects the
15 following: An Information was filed on the 5th day of July, 2013.
16 Arraignment was held on the 8th day of July, 2013, at which time
17 the defendant appeared in person and with counsel and was advised
18 of the charges and the possible penalties and was further advised
19 of his constitutional and statutory rights. An Amended Information
20 was filed on the 3rd day of June, 2014, charging the defendant
21 with the crimes of COUNT I. GRAND THEFT BY POSSESSION, FELONY,
22 I.C. §§18-2403(1), -2407(1)(b), -2409, and COUNT II. PETIT THEFT
23 BY POSSESSION, MISDEMEANOR, I.C. §§18-2403(1), -2407(2), committed
24 on or about the 6th day of June, 2013. Trial was held before the
25 Court and a jury on the 3rd and 4th days of June, 2014. The jury
26 returned its verdicts of guilty of COUNT I. GRAND THEFT BY
POSSESSION, FELONY, I.C. §§18-2403(1), -2407(1)(b), -2409, and
COUNT II. PETIT THEFT BY POSSESSION, MISDEMEANOR, I.C.
§§18-2403(1), -2407(2). Sentencing was continued for preparation

KM

1 of a Presentence Investigation Report which was completed and
2 reviewed by the Court and counsel. The defendant was given the
3 opportunity to read the presentence investigation report in its
4 entirety. Counsel for the State and for the defendant made
5 statements and the defendant was given the opportunity to make a
6 statement and to offer evidence in mitigation. Inquiry was made by
7 the Court to determine if there was any legal cause why judgment
8 should not be pronounced, and there being none, the Court rendered
9 Judgment as follows:

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant
11 is guilty of the crime of COUNT I. GRAND THEFT BY POSSESSION,
12 FELONY, I.C. §§§18-2403(1), -2407(1)(b), -2409. As a consequence,
13 on Count I. the defendant is committed to the custody of the State
14 Board of Correction for a period of ten (10) years, consisting of
15 a fixed term of two (2) years followed by an indeterminate term of
16 eight (8) years. The Court imposed a fine of \$2,000, suspended.
17 The defendant shall pay \$724 in restitution and \$1,500 for Public
18 Defender reimbursement. The defendant shall also pay an amount to
19 be determined by the Department of Correction, not to exceed one
20 hundred (\$100) dollars, for the cost of conducting the presentence
21 investigation and preparing the presentence investigation report.
22 The amount will be determined by the Department and shall be based
23 on the defendant's ability to pay after the defendant pays \$724 in
24 restitution, \$1,500 for Public Defender reimbursement, fees, and
25 costs. The Court retains jurisdiction for 365 days and recommends
26 that the defendant be assigned to the Conflict Resolution Program
(CRP) at the Correctional Alternative Placement Program (CAPP)
facility to control his anger, emotions, and abuse of others. If
the defendant is NOT assigned to the CRP, the Court recommends
that he be assigned to the "T.C. rider." The period of retained
jurisdiction shall not commence until the defendant is taken into
custody by the State Board of Correction. The defendant shall be

1 taken into custody by the Department of Correction forthwith. The
2 defendant shall receive credit for ninety-five (95) days served as
3 of the 4th day of August, 2014.

4 The Court on its own motion, dismissed Count II. for lack of
5 evidence, and in the interest of justice pursuant to Idaho
6 Criminal Rule 48.

7 IT IS ALSO ORDERED that Defendant shall fully comply with
8 the DNA Database Act.

9 IT IS FURTHER ORDERED that the Clerk deliver a certified copy
10 of this Judgment and Commitment to the said Sheriff and the State
11 Board of Correction, which shall serve as the commitment of the
12 defendant. The Sheriff is directed to deliver custody of the
13 defendant to the State Board of Correction forthwith.

14 Dated this 6th day of August, 2014.

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THOMAS F. NEVILLE
District Judge

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CERTIFICATE OF SERVICE

I do hereby certify that on the 16th day of August, 2014, I caused to be emailed/mailed one copy of the within instrument in this cause as follows:

ADA COUNTY PROSECUTNG ATTORNEY'S OFFICE
VIA EMAIL

ADA COUNTY PUBLIC DEFENDER'S OFFICE
VIA EMAIL

PRESENTENCE INVESTIGATION TEAM/DEPT. OF PROBATION & PAROLE
VIA EMAIL

IDAHO DEPARTMENT OF CORRECTION
VIA EMAIL

ADA COUNTY JAIL
VIA EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

Ada County Mugshot - Prosecutor's Office



User: PRBRIGCA



Photo Taken: 2013-06-06 18:49:21

Name: PELLAND, VERNON CRAIG

Case #: CR-FE-2013-0007623

LE Number: 1052121

Height: 510

Weight: 210

Drivers License Number:

Drivers License State:

Sex: M **Race:** W **Eye Color:** HAZ **Hair Color:** BLN **Facial Hair:**

Marks:

Scars:

Tattoos:

RECEIVED

SEP 17 2014

Ada County Clerk

Inmate name VERNON PELLAND
IDOC No. 112210
Address CAPP
FACILITY

Defendant/Appellant

NO. _____
A.M. _____ FILED P.M. 4:00

SEP 17 2014

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

IN THE DISTRICT COURT OF THE 4 TH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

VERNON PELLAND,)

Appellant,)

vs.)

IDAHO STATE,)

Respondent.)

Case No. _____

NOTICE OF APPEAL

TO: THE ABOVE RESPONDENTS, JUDGE NEVIL, GREG BOWERS,
AND THE PARTY'S ATTORNEYS, ERIC ROLFSTEN
AND THE CLERK OF THE ABOVE ENTITLED
COURT:

NOTICE IS HEREBY GIVEN THAT

1. The above named Appellant(s) VERNON PELLAND
appeal(s) against the above named respondent(s) to the Idaho Supreme Court from (the final
judgment or order, (describe it) GRAND THEFT BY POSSION,
A 2 + 8 CENTANCE, 365 DAY RETAINED
JURISTION.

entered in the above-entitled action (proceeding) on the 4 day of AUGUST,
2014, Honorable Judge NEVIL presiding.

NOTICE OF APPEAL - 1
Revised: 10/14/05

000109

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or orders described in paragraph 1 above are appealable orders under and pursuant to Rule

RULE 54 [e.g. (11(c)(1)), or (12(a))] I.A.R.

3. A preliminary statement of the issues on appeal which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal.

INEFFECTIVE ASSISTANCE OF COUNSEL,
DISCLOSED EVIDENCE AND INFORMATION,
THE ELEMENTS DO NOT FIT THE STATUTES
THAT I WAS SENTENCED UNDER IDAHO
STATE LAW, DEROGATORY REMARKS MADE
BY THE SENTANCING JUDGE, ALSO REMARKS
MADE BY THE PROSECUTING ATTORNEY,
PROSECUTION FOR THE STATE GAVE FALSE
INFORMATION IN THE COURTROOM AT
TRIAL AND SENTANCING, THERE ARE ALSO
RUMORS THAT CERTAIN JUDGES HAVE STUCK
IN THE PRIVATE PRISON INDUSTRY.

4.(a) Is a reporter's transcript requested? YES

(b) The appellant requests the preparation of the following portions of the reporter's transcript:

☒ The entire reporter's standard transcript as defined in Rule 25(a), I.A.R.

☒ The entire reporter's transcript supplemented by the following:

☒ Voir Dire examination of jury

☒ Closing arguments of counsel

☐ The following reporter's partial transcript: _____

☒ The testimony of witness(es) _____

☐ Conferences on requested instructions

☐ Instructions verbally given by court

5. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.

☒ All requested and given jury instructions

☒ The deposition of: ALL WITNESSES INVOLVED

☐ Plaintiff's motion for continuance of trial

6. I certify:

(a) That a copy of this notice of appeal has been served on the reporter.

(b)(1) ☐ That the clerk of the district court or administrative agency has been paid the estimated fee for preparation of the reporter's transcript.

(2) ☒ That the appellant is exempt from paying the estimated transcript fee because

THIS APPELLANT IS INDIGENT AND HAS BEEN FOR A PERIOD OF REQUIRED MONTHS.

NOTICE OF APPEAL - 3

Revised 10/14/05

(c)(1) ☐ That the estimated fee for preparation of the clerk or agency's record has been paid.

(2) ☒ That the appellant is exempt from paying the estimated fee for the preparation of the record because OF INDIGENCY STATUS

(d)(1) ☐ That the appellate filing fee has been paid.

(2) ☒ That appellate is exempt from paying the appellate filing fee because (2)

(e) That service has been made upon all parties required to be served pursuant to Rule 20, and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED THIS 10 day of SEPTEMBER, 2014.

Vernon Pelland
Appellant

STATE OF IDAHO)
) ss
County of Ada)

Vernon Pelland, being sworn, deposes and says:

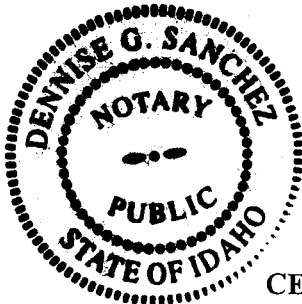
That the party is the appellant in the above-entitled appeal and that all statements in this notice of appeal are true and correct to the best of his or her knowledge and belief.

Vernon King P. L. L.
Appellant

SUBSCRIBED AND SWORN to before me this 10th day of September

20 14.

(SEAL)



Denise Sanchez
Notary Public for Idaho
Commission expires: 9.9.17

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the _____ day of _____, 20____, I
mailed a true and correct copy of the NOTICE OF APPEAL via prison mail system for
processing to the U.S. mail system to:

**OFFICE OF THE ATTORNEY GENERAL
CRIMINAL DIVISION, APPELLATE UNIT
PO Box 87320
Boise, ID 83720-0010**

ADA County Prosecuting Attorney
200^W FRONT ST. RM 3191
BOISE ID 83702

Appellant

NO. _____ FILED 4:00
A.M. P.M.

SEP 17 2014

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

Inmate name VERNON PELLAND
IDOC No. 112220
Address CAPP
FACILITY

Defendant-Appellant

IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
vs.)
)
VERNON PELLAND,)
)
Defendant-Appellant.)

Case No. _____

**MOTION AND AFFIDAVIT IN
SUPPORT FOR
APPOINTMENT OF
COUNSEL**

COMES NOW, VERNON PELLAND, Defendant-Appellant in the
above entitled matter and moves this Honorable Court to grant Defendant-Appellant's Motion
for Appointment of Counsel for the reasons more fully set forth herein and in the Affidavit in
Support of Motion for Appointment of Counsel.

1. Defendant-Appellant is currently incarcerated within the Idaho Department of
Corrections under the direct care, custody and control of Warden BLADES/FINN,
of the IDOC/CAPP.

2. The issues to be presented in this case may become to complex for the Defendant-
Appellant to properly pursue. Defendant-Appellant lacks the knowledge and skill needed to
represent him/herself.

MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL - 1
Revised: 10/14/05

000114

3. Defendant-Appellant required assistance completing these pleadings, as he/she was unable to do it him/herself.

4. Other: APPELLANT IS ENTITLED TO COMPETENT COUNSEL.
DATED this 10 day of SEPT, 2014.

Vernon Pelland
Defendant-Appellant

AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL

STATE OF IDAHO)
County of Ada) ss

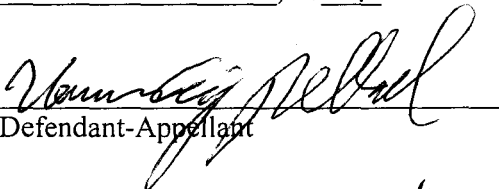
Vernon Pelland, after first being duly sworn upon his/her oath, deposes and says as follows:

1. I am the Affiant in the above-entitled case;
2. I am currently residing at the IDOC / CAPP FACILITY under the care, custody and control of Warden BLADES / FINN;
3. I am indigent and do not have any funds to hire private counsel;
4. I am without bank accounts, stocks, bonds, real estate or any other form of real property;
5. I am unable to provide any other form of security;
6. I am untrained in the law;
7. If I am forced to proceed without counsel being appointed I will be unfairly handicapped in competing with trained and competent counsel of the State;

Further your affiant sayeth naught.

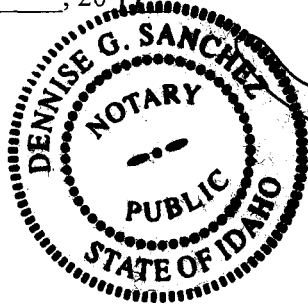
WHEREFORE, Defendant-Appellant respectfully prays that this Honorable Court issue it's Order granting Defendant-Appellant's Motion for Appointment of Counsel to represent his/her interest, or in the alternative grant any such relief to which it may appear the Defendant-Appellant is entitled to.

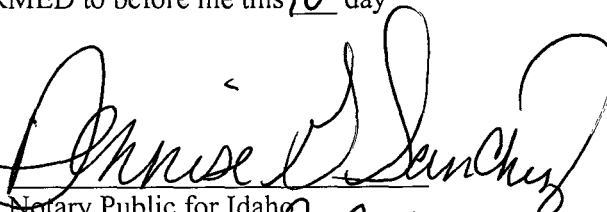
DATED This 10 day of SEPT, 2014.


Defendant-Appellant

SUBSCRIBED AND SWORN AND AFFIRMED to before me this 10th day
of September, 2014

(SEAL)




Notary Public for Idaho
Commission expires: 9-9-17

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 15 day of SEP, 2014, I mailed a copy of this MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL for the purposes of filing with the court and of mailing a true and correct copy via prison mail system for processing to the U.S. mail system to:

ADA County Prosecuting Attorney
200 W FRONT ST RM 3191
BOISE ID 83702

Norman J. Pell
Defendant-Appellant

SEP 17 2014

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

VERNON CRAIG PELLAND

Full Name of Party Filing This Document

CAPP FACILITY

Mailing Address (Street or Post Office Box)

15505 S PLEASANT VALLEY RD

City, State and Zip Code

KUNA ID 83634

Telephone Number

IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

VERNON PELLAND

Plaintiff,

vs.

STATE OF IDAHO

Defendant.

Case No.: _____

MOTION AND AFFIDAVIT FOR
PERMISSION TO PROCEED ON PARTIAL
PAYMENT OF COURT FEES (PRISONER)

IMPORTANT NOTICE: Idaho Code § 31-3220A requires that you serve upon counsel for the county sheriff, the department of correction or the private correctional facility, whichever may apply, a copy of this motion and affidavit and any other documents filed in connection with this request. You must file proof of such service with the court when you file this document.

STATE OF IDAHO)
County of Ada) ss.

☒ Plaintiff [] Defendant asks to start or defend this case on partial payment of court fees, and swears under oath

1. This is an action for (type of case) FULL APPEAL.
believe I'm entitled to get what I am asking for.

2. ☒ I have not previously brought this claim against the same party or a claim based on the same operative facts in any state or federal court. [] I have filed this claim against the same party or a claim based on the same operative facts in a state or federal court.

3. I am unable to pay all the court costs now. I have attached to this affidavit a current statement of my inmate account, certified by a custodian of inmate accounts, that reflects the activity of the account over my period of incarceration or for the last twelve (12) months, whichever is less.

4. I understand I will be required to pay an initial partial filing fee in the amount of 20% of the greater of: (a) the average monthly deposits to my inmate account or (b) the average monthly balance in my inmate account for the last six (6) months. I also understand that I must pay the remainder of the filing fee by making monthly payments of 20% of the preceding month's income in my inmate account until the fee is paid in full.

5. I verify that the statements made in this affidavit are true. I understand that a false statement in this affidavit is perjury and I could be sent to prison for an additional fourteen (14) years.

Do not leave any items blank. If any item does not apply, write "N/A". Attach additional pages if more space is needed for any response.

IDENTIFICATION AND RESIDENCE:

Name: VERNON PELLAND Other name(s) I have used: VERN PELLAND

CRAIG PELLAND
Address: CAPP FACILITY

How long at that address? ONE MONTH Phone: _____

Date and place of birth: 8-28-1965 LAS VEGAS NEVADA

DEPENDENTS:

I am ☒ single [] married. If married, you must provide the following information:

Name of spouse: _____

My other dependents (including minor children) are: NA

INCOME:

Amount of my income: \$ NA per [] week [] month

Other than my inmate account I have outside money from: _____

My spouse's income: \$ NA per [] week [] month.

ASSETS:

List all real property (land and buildings) owned or being purchased by you.

Your Address	City	State	Legal Description	Value	Equity
2842	BOULDER CREEK RD				
NEW MEADOWS ID 83654 6 1/2 ACRES				\$40,000	

List all other property owned by you and state its value.

Description (provide description for each item)

Cash

Notes and Receivables

Vehicles:

1969 CHEVY PICK UP

\$2000.00

Bank/Credit Union/Savings/Checking Accounts

Stocks/Bonds/Investments/Certificates of Deposit

Trust Funds

Retirement Accounts/IRAs/401(k)s

Cash Value Insurance

Motorcycles/Boats/RVs/Snowmobiles:

1970 Honda SUPERMOTOR HOME

\$3,000

Furniture/Appliances

\$1,000

Jewelry/Antiques/Collectibles

Description (provide description for each item)

Value

TVs/Stereos/Computers/Electronics

Tools/Equipment

PAINT & DRY WALL TOOLS

5.000

Sporting Goods/Guns

Horses/Livestock/Tack

Other (describe)

EXPENSES: List all of your monthly expenses.

Expense

**Average
Monthly Payment**

Rent/House Payment

Vehicle Payment(s)

Credit Cards: (list each account number)

Loans: (name of lender and reason for loan)

Electricity/Natural Gas

Water/Sewer/Trash

Phone

Groceries

Clothing

Auto Fuel

Auto Maintenance

Cosmetics/Haircuts/Salons

Entertainment/Books/Magazines

Home Insurance

Expense	Average Monthly Payment
Auto Insurance	<u>\$</u>
Life Insurance	<u>\$</u>
Medical Insurance	<u>\$</u>
Medical Expense	<u>\$</u>
Other	<u>\$</u>

MISCELLANEOUS:

How much can you borrow? \$ 0 From whom? 0

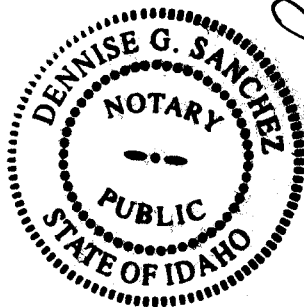
When did you file your last income tax return? 2012 Amount of refund: \$ 0

PERSONAL REFERENCES: (These persons must be able to verify information provided)

Name	Address	Phone	Years Known
<u>CARLEY HICKMAN</u>		<u>702-431-7283</u>	<u>8</u>
<u>BEA PELLAND</u>		<u>702-733-6797</u>	<u>48</u>

Vernon Craig Pelland
 Signature
VERNON CRAIG PELLAND
 Typed or Printed Name

20 14 SUBSCRIBED AND SWORN TO before me this 10th day of September
Dennise G. Sanchez
 Notary Public for Idaho
 Residing at Boise, Idaho
 My Commission expires 9.9.17



= IDOC TRUST ===== OFFENDER BANK BALANCES ===== 09/15/2014 =

Doc No: 112220 Name: PELLAND, VERNON CRAIG
Account: CHK Status: INDIGENT

CAPP/03 PRES FACIL
TIER-3 CELL-45

Transaction Dates: 09/15/2013-09/15/2014

Beginning Balance	Total Charges	Total Payments	Current Balance
0.00	3.00	0.00	3.00DB

===== TRANSACTIONS =====

Date	Batch	Description	Ref Doc	Amount	Balance
08/28/2014	CA0680663-020	071-MED CO-PAY	679620	3.00DB	3.00DB

I hereby certify that the foregoing is a full, true,
and correct copy of an instrument as the same
now remains on file and of record in my office.

WITNESS my hand hereto affixed this 15

day of September A.D., 2014

By: [Signature]

SEP 25 2014

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

Inmate name VERNON PELLAND
IDOC No. 112220
Address CAPP
FACILITY

IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
vs.)
VERNON PELLAND)
)
Defendant-Appellant.)

Case No. _____
**ORDER GRANTING
MOTION FOR
APPOINTMENT
OF COUNSEL**

IT IS HEARBY ORDERED that the Defendant-Appellant's Motion for Appointment of Counsel is granted and the State Appellate Public Defender ~~(attorneys name)~~ ~~a duly licensed attorney in the State of Idaho~~ is hereby appointed to represent said defendant in all proceedings involving this appeal.

Jm
Jm

DATED this 25th day of September, 2014

J. Hevill
District Judge

ORIGINAL

SARA B. THOMAS
State Appellate Public Defender
I.S.B. #5867

ERIK R. LEHTINEN
Chief, Appellate Unit
I.S.B. #6247
3050 N. Lake Harbor Lane, Suite 100
Boise, ID 83703
(208) 334-2712

NO. _____
A.M. _____ FILED P.M. 4:00

OCT 23 2014

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY

STATE OF IDAHO,

Plaintiff-Respondent,

v.

VERNON CRAIG PELLAND,

Defendant-Appellant.

CASE NO. CR 2013-7623

S.C. DOCKET NO. 42554

AMENDED
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, GREG BOWER, ADA COUNTY PROSECUTOR, 200 WEST FRONT STREET 3RD FLOOR, BOISE, ID, 83702, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction and Sentence entered on the 4th 6th day of August, 2014, the Honorable Thomas F. Neville, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).

BT

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

(a) Was sufficient evidence presented to support a guilty jury verdict?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

(a) Pretrial Conference held May 27, 2014 (Court Reporter: Sue Wolf, estimation of less than 100 pages);

(b) Jury Trial held June 3 & 4, 2014, to include the voir dire, opening statements, closing arguments, jury instruction conferences, reading of the jury instructions, any hearings regarding questions from the jury during deliberations, return of the verdict, and any polling of the jurors (Court Reporter: Sue Wolf, estimation of less than 600 pages); and

(c) Sentencing Hearing held August 4, 2014 (Court Reporter: Sue Wolf, estimation of less than 100 pages).

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2) and all exhibits, recordings, and documents per I.A.R.

31. The appellant requests the following documents to be included in the clerk's

record, in addition to those automatically included under I.A.R. 28(b)(2) and I.A.R. 31:

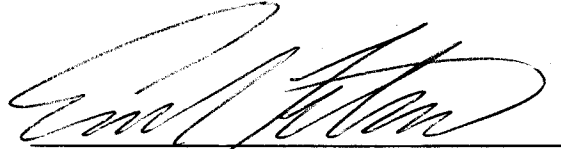
- (a) Transcript filed July 29, 2013;
- (b) Transcript filed August 26, 2013;
- (c) State's Witness List filed May 28, 2014;
- (d) All proposed and given jury instructions filed including, but not limited to, the Jury Instructions filed June 4, 2014; and
- (e) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing. Except that any pictures or depictions of child pornography necessary to the appeal need not be sent, but may be sought later by motion to the Idaho Supreme Court.

7. I certify:

- (a) That a copy of this Amended Notice of Appeal has been served on the Court Reporter, Sue Wolf;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with Ada County who will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e); and

- (e) That service has been made upon all parties required to be served pursuant to I.A.R 20.

DATED this 23rd day of October, 2014.

A handwritten signature in black ink, appearing to read 'Erik R. Lehtinen', written over a horizontal line.

ERIK R. LEHTINEN
Chief, Appellate Unit

CERTIFICATE OF MAILING

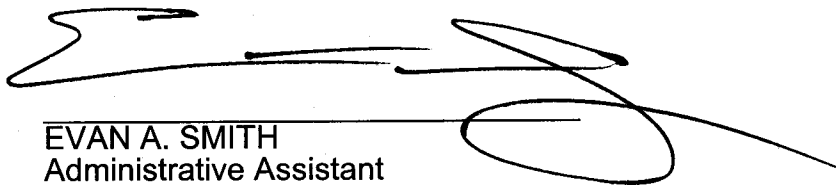
I HEREBY CERTIFY that I have this 23rd day of October, 2014, caused a true and correct copy of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

ADA COUNTY PUBLIC DEFENDER
ERIC R ROLFSEN
200 W FRONT ST DEPT 17
BOISE ID 83702
STATEHOUSE MAIL

SUE WOLF
COURT REPORTER
200 WEST FRONT ST
BOISE ID 83702
STATEHOUSE MAIL

GREG BOWER
ADA COUNTY PROSECUTOR
200 WEST FRONT STREET 3RD FLOOR
BOISE ID 83702
STATEHOUSE MAIL


KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
PO BOX 83720
BOISE ID 83720-0010
Hand delivered to Attorney General's mailbox at Supreme Court


EVAN A. SMITH
Administrative Assistant

ERL/tmf/ns

<p>FILED</p> <p><u>Wednesday, December 17, 2014 at 10:56 AM</u></p> <p>CHRISTOPHER D. RICH, CLERK OF THE COURT</p> <p>BY: <u><i>Christopher D. Rich</i></u></p> <p>Deputy Clerk</p>

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,	)	Case Number. CR-FE-2013-0007623
)	
Plaintiff,	)	ORDER TO TRANSPORT
vs.)	
)	
VERNON CRAIG PELLAND,)	
)	
Defendant.)	

It appearing that the above-named defendant is in the custody of the Idaho State Board of Correction, and that it is necessary that *VERNON CRAIG PELLAND* be brought before the following hearing: ***RIDER REVIEW.....Monday, January 26, 2015 @ 09:00 AM***

IT IS THEREFORE ORDERED That the Ada County Sheriff bring the Defendant from the Penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff return said Defendant to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada County Sheriff for the purpose of the aforementioned appearance and retake him into custody from the Sheriff upon his return to the Penitentiary.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho State Board of Correction forthwith and certify to the same.

Dated Wednesday, December 17, 2014.

Thomas F. Neville

THOMAS F. NEVILLE
District Judge

CC: PA/PD/DOC/ACJ

Time	Speaker	Note
10:56:56 AM	Court	called ST v VERNON PELLAND CRFE13-07623 , present in custody. Time for rider review.
10:57:18 AM	Eric Rolfsen	counsel for defendant
10:57:24 AM	Tamera Kelly	counsel for State
10:57:29 AM	Defendant	has read APSI, ready to proceed
11:00:00 AM	Court	characteried defendant's rider. Considering relinquishment and imposing
11:00:18 AM	Tamera Kelly	rec. that the Court relinquish jurisdiction.
11:01:05 AM	Eric Rolfsen	rec. that the Court consider reducing sentence or even a commutation to ACJ.
11:02:51 AM	Defendant	stated has nothing to say -
11:03:54 AM	Court	no legal cause shown why sentence should not be imposed. Court relinquished jurisdiction. Impose the 2+8 with credit for any time served. Rec. a T/C community such as Pathways V and anger control.
11:06:53 AM	End Case	

JAN 27 2015

CHRISTOPHER D. RICH, Clerk
By KARI MAXWELL
Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

[REDACTED]
[REDACTED]

Defendant.

Case No. CR-FE-2013-0007623

**ORDER DECLINING AND
RELINQUISHING JURISDICTION,
AND COMMITMENT**

The above entitled matter having come before this Court for a rider review hearing on the 26th day of January, 2015 pursuant to its retained jurisdiction under I.C. §19-2601(4); the Court, having again reviewed the presentence investigation report together with the addendum to the presentence investigation report and all other documents submitted to the Court, and having returned the defendant back before this Court and having permitted the defendant the opportunity to respond fully to all of the above materials, and now being fully advised in the premises; the Court hereby declines to exercise its retained jurisdiction in this case for the reasons expressed on the record on the 26th day of January, 2015, which are incorporated herein by reference.

IT IS THEREFORE ORDERED that the Judgment of Conviction filed on the 6th day of August, 2014, be executed and imposed, and that the defendant be sentenced to the custody of the State Board of Correction of the State of Idaho for a period of ten (10) years, consisting of a fixed term of two (2) years followed

ORDER DECLINING AND RELINQUISHING JURISDICTION, AND COMMITMENT

000132

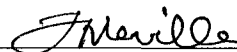
KM

1 by an indeterminate term of eight (8) years. The Court recommends
2 that the defendant be required to complete a Therapeutic
3 Community to include Pathways V. and anger management
4 programming. Sentence shall be effective the 26th day of January,
5 2015. The defendant shall receive credit for two hundred seventy-

6 one (271) days served as of 26th day of January, 2015.
7 IT IS ALSO ORDERED that the defendant shall fully comply
8 with the DNA Database Act.

9 IT IS FURTHER ORDERED that the Clerk deliver a certified copy
10 of this Judgment and Commitment to the said Sheriff and the State
11 Board of Correction, which shall serve as the commitment of the
12 defendant. The Sheriff is directed to deliver custody of the
13 defendant to the State Board of Correction forthwith.

14 IT IS SO ORDERED this 26th day of January, 2015.

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THOMAS F. NEVILLE
District Judge

CERTIFICATE OF SERVICE

I do hereby certify that on the 27th day of January, 2015, I caused to be emailed/mailed one copy of the within instrument in this cause as follows:

ADA COUNTY PROSECUTNG ATTORNEY'S OFFICE
VIA EMAIL

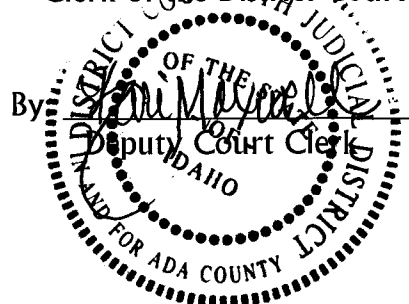
ADA COUNTY PUBLIC DEFENDER'S OFFICE
VIA EMAIL

PRESENTENCE INVESTIGATION TEAM/DEPT. OF PROBATION & PAROLE
VIA EMAIL

IDAHO DEPARTMENT OF CORRECTION
VIA EMAIL

ADA COUNTY JAIL
VIA EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court



ORDER DECLINING AND RELINQUISHING JURISDICTION, AND COMMITMENT

000134

182

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant-Appellant

Eric Rolfsen
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1026
FILED
A.M. 10 P.M. 26

JAN 29 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

VERNON CRAIG PELLAND,

Defendant-Appellant.

Case No. CR-FE-2013-0007623

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK
OF THE ABOVE-ENTITLED COURT

NOTICE IS HEREBY GIVEN THAT:

- 1) The above-named Appellant appeals against the above-named Respondent to the Idaho Supreme Court from the final decision and order entered against him in the above-entitled action on January 27, 2015, the Honorable Thomas F. Neville, District Judge, presiding.
- 2) That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to I.A.R. 11(c)(1-10).
- 3) A preliminary statement of the issues on appeal, which the Appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the Appellant from asserting other issues on appeal is:
 - a) Did the district court abuse its discretion by relinquishing jurisdiction in this case?

- 4) There is a portion of the record that is sealed. The portion of the record that is sealed is the presentence investigation report (PSI).
- 5) Reporter's Transcript. The Appellant requests the preparation of the entire reporter's standard transcript as defined by I.A.R. 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
 - a) Sentencing hearing held August 4, 2014 (Court Reporter: Sue Wolf, Estimated pages: 100);
 - b) Rider review hearing held January 26, 2015 (Court Reporter: Sue Wolf, Estimated pages: 100).
- 6) Clerk's Record. The Appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). In addition to those documents automatically included under I.A.R. 28(b)(2), the Appellant also requests that any exhibits, including but not limited to letters or victim impact statements, addenda to the PSI, or other items offered at the sentencing hearing be included in the Clerk's Record.
- 7) I certify:
 - a) That a copy of this Notice of Appeal has been served on the Court Reporter(s) mentioned in paragraph 5 above;
 - b) That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e));
 - c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
 - d) That Ada County will be responsible for paying for the reporter's transcript(s), as the client is indigent (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e)); and
 - e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 29th day of January 2015.


ERIC ROLFSEN
Attorney for Defendant-Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 29 day of January 2015, I mailed (served) a true and correct copy of the within instrument to:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho State Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

Sue Wolf
Court Reporter
Interdepartmental Mail

R. Scott Bandy
Ada County Prosecutor's Office
Interdepartmental Mail



Katie Van Vorhis

RECEIVED
JAN 29 2015
ADA COUNTY CLERK

NO. 9:08 FILED
A.M. 9:08 P.M.

FEB 10 2015

CHRISTOPHER D. RICH, Clerk
By JANET ELLIS
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant-Appellant

Eric Rolfsen
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

VERNON CRAIG PELLAND,

Defendant-Appellant.

Case No. CR-FE-2013-0007623

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER
ON DIRECT APPEAL

The Defendant has elected to pursue a direct appeal in the above-entitled matter. The Defendant being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent the above-named Defendant in all matters pertaining to the direct appeal.

IT IS SO ORDERED.

DATED this 9th day of February 2015.

JM

Thomas F. Neville
THOMAS F. NEVILLE
District Judge

CERTIFICATE OF MAILING

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have mailed one copy of the Order Appointing State Appellate Public Defender on Direct Appeal as notice pursuant to the Idaho Rules to each of the parties of record in this case in envelopes addressed as follows:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

R. Scott Bandy
Ada County Prosecutor's Office
Interdepartmental Mail

Ada County Public Defender's Office
Attn: Katie Van Vorhis
Interdepartmental Mail

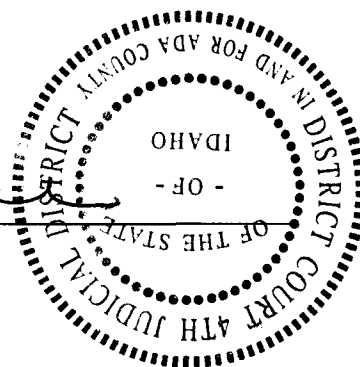
CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: _____

2/10/15

By _____

Deputy Clerk



NO.

A.M.

FILED

P.M.

MAR 30 2015

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

TO: CLERK OF THE COURT, IDAHO SUPREME COURT
451 WEST STATE STREET, BOISE, IDAHO
FAX (208) 334-2616

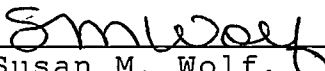
STATE OF IDAHO,) Docket No. 42554-2014
)
Plaintiff-Respondent,) Case No. CRFE-2013-0007623
)
vs.) NOTICE OF LODGING
)
VERNON CRAIG PELLAND,)
)
Defendant-Appellant.)

NOTICE OF TRANSCRIPT(S) LODGED

Notice is hereby given that on March 4, 2015,
I lodged four (4) transcripts, totaling 442 pages, for
the following dates/proceedings:

05-27-14 Pretrial Conference
06-03-14 Jury Trial, Day 1
06-04-14 Jury Trial, Day 2
08-04-14 Sentencing Hearing

for the above-referenced appeal with the District Court
Clerk for Ada County, in the Fourth Judicial District.


Susan M. Wolf,
RPR, CSR No. 728

NO.

A.M.

FILED
P.M.

MAR 30 2015

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

1 TO: CLERK OF THE COURT, IDAHO SUPREME COURT
2 451 WEST STATE STREET, BOISE, IDAHO
3 FAX (208) 334-2616

4 STATE OF IDAHO,) Docket No. 42554-2014
5)
6 Plaintiff-Respondent,) Case No. CRFE-2013-0007623
7)
8 vs.) NOTICE OF LODGING
9)
10 VERNON CRAIG PELLAND,)
11)
12 Defendant-Appellant.)
13 _____)

14 NOTICE OF TRANSCRIPT(S) LODGED

15 Notice is hereby given that on March 30, 2015,
16 I lodged one (1) transcript, totaling 14 pages, for
17 the following dates/proceedings:

18 01-26-14 Retained Jurisdiction Review

19 for the above-referenced appeal with the District Court
20 Clerk for Ada County, in the Fourth Judicial District.

21 Susan M. Wolf

22 Susan M. Wolf,
23 RPR, CSR No. 728
24
25

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

VERNON CRAIG PELLAND,

Defendant-Appellant.

Supreme Court Case No. 42554

42936

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

That the attached list of exhibits is a true and accurate copy of the exhibits being forwarded to the Supreme Court on Appeal. It should be noted, however, that the following exhibits will be retained at the District Court clerk's office and will be made available for viewing upon request.

1. State's Exhibit 7 – Box of blank money orders and cards.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

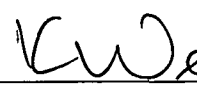
2. Presentence Investigation Report.

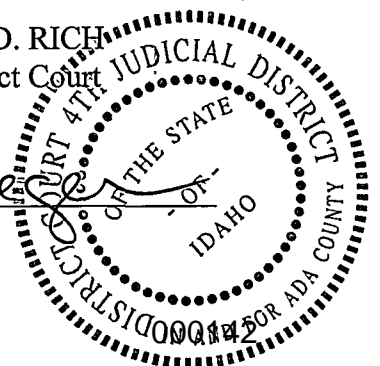
I FURTHER CERTIFY, that the following documents will be submitted as EXHIBITS to the Record:

1. Transcript of Preliminary Hearing held July 2, 2013, Boise, Idaho, filed August 26, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 30th day of March, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk



CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THOMAS F. NEVILLE/JANET ELLIS
DISTRICT JUDGE DEPUTY CLERK

JUNE 3, 2014

STATE OF IDAHO,

Plaintiff,

vs.

VERNON CRAIG PELLAND,

Defendant.

Case No. CRFE-13-0007623

EXHIBIT LIST
JURY TRIAL

APPEARANCES:

SCOTT BANDY
ADA COUNTY PROSECUTING ATTORNEY

COUNSEL FOR STATE OF IDAHO

ERIC ROLFSEN
ADA COUNTY PUBLIC DEFENDER

COUNSEL FOR DEFENDANT

BY	NO.	DESCRIPTION	STATUS
ST	1	Photo of other suitcase	ADMITTED
ST	2	Photo Suit Case unpacked	ADMITTED
ST	3	Photo Suit case and contents	ADMITTED
ST	4	Photo of cell phones and sims cards	ADMITTED
ST	5	Photo of cell phones and bags	ADMITTED
ST	6	Photo of I.D cards and Social Security Cards	ADMITTED
ST	7	Box of Blank Money Orders and cards	ADMITTED
ST	8	Photo of Enlarged Money order Bland	ADMITTED
ST	9	Audio Interview Det Brumbaugh w/Pelland	ADMITTED
DEF	A	Photo of Public Storage Receipt C.HICKMAN	ADMITTED

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

VERNON CRAIG PELLAND,

Defendant-Appellant.

Supreme Court Case No. 42554

42936

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

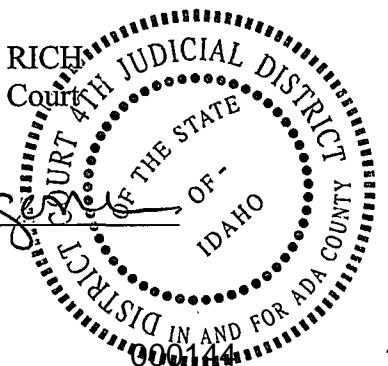
BOISE, IDAHO

Date of Service: MAR 30 2015

CHRISTOPHER D. RICH
Clerk of the District Court

By KWegman
Deputy Clerk

CERTIFICATE OF SERVICE



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

VERNON CRAIG PELLAND,

Defendant-Appellant.

Supreme Court Case No. 42554
42936

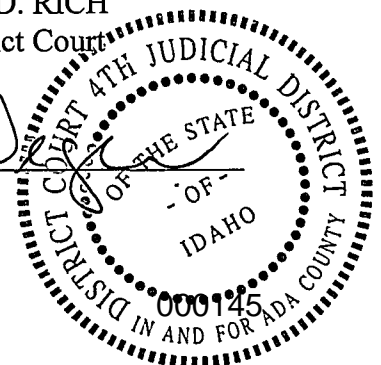
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 17th day of September, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court

By KW
Deputy Clerk



CERTIFICATE TO RECORD